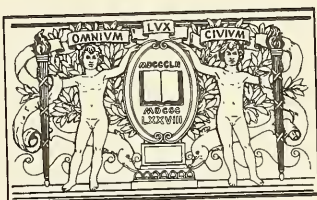


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# ZONING *for* BOSTON

A SURVEY AND A COMPREHENSIVE PLAN

REPORT OF THE CITY PLANNING BOARD  
BOSTON, MASS.



LAW ENACTED BY MASSACHUSETTS LEGISLATURE

CHAPTER 483, ACTS OF 1924

IN EFFECT JUNE 5, 1924

CITY OF BOSTON  
PRINTING DEPARTMENT

1924

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## FOREWORD.

*On the eve of celebrating, in 1930, the tercentenary of the founding of Boston, a Zoning Plan has been made for directing a more orderly growth of the city during the centuries to come than has prevailed in the past three hundred years. With equal rights for all and special privileges for none, the Plan will protect every district from detrimental property uses, preserving home neighborhoods, encouraging the most valuable development of business and promoting sound industrial expansion.*

*THE CITY PLANNING BOARD.*

## PERSONNEL.

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In envelope inside of back cover:

Tentative zoning map in colors.

Existing use map in colors.

Land values map in colors.

Typical sheet of final zoning map.

NOTE.— All photographs except Figure 2 were taken in Boston.

## INTRODUCTION.

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The purpose of this report is to explain how Boston has been zoned, and to give an idea of the civic problems that zoning will help to solve. The maps and charts reproduced are only typical of the technical work involved and are not a complete exhibit of the material on file in the office of the City Planning Board. Many of the studies will be used as a basis for other important phases of a comprehensive City Plan.

The Boston Zoning Law, Chapter 488 of the Acts of 1924, became effective on June 5, 1924, after the bill, which was sent to the Legislature on petition of His Honor, Mayor James M. Curley, had received five months' careful consideration by the Senate and the House of Representatives. Eighteen months of intensive study was consumed in the preparation of the bill and zoning maps for presentation to the Legislature in January, 1924.

Although much preliminary material had already been assembled, circumstances did not permit active work in connection with the preparation of a comprehensive zoning plan until the summer of 1922, when a Zoning Advisory Commission, composed of eleven members nominated by leading civic, business and professional organizations, was appointed by His Honor the Mayor to co-operate with the City Planning Board in the work. The necessary funds were provided for the employment of consultants and a zoning director, and care was taken in the selection of a staff of technically trained men for field surveys and drafting work.



## I.—AUTHORITY FOR ZONING BOSTON.

The City Planning Board early recognized the need for scientific regulation in the growth of the city, and first gave formal expression to it under date of December 7, 1915, but Legislative authority, without which satisfactory progress was doubtful, was at that time lacking.

The first step toward securing the necessary power was in the form of a proposed amendment to the Constitution which was adopted by referendum vote on November 5, 1918. This measure, which appears as Article LX of the Constitutional Amendments, provides that:

“The general court shall have power to limit buildings according to their use or construction to specified districts of cities and towns.”

The result of this referendum throughout the State was 161,214 in favor and 83,095 against, while in the City of Boston 34,953 votes were recorded in favor and 8,673 against the measure.

The next step was the delegation of this power specifically to local municipalities. For this purpose an enabling act was proposed and passed in the 1920 session of the General Court giving to cities and towns the authority to establish zoning by-laws and ordinances, “in such manner as will best promote the *health, safety, convenience and welfare* of the inhabitants,” etc. This enabling act now appears as chapter 40 of the General Laws of the Commonwealth of Massachusetts, sections 25 to 30, inclusive. This authority was delegated under the “police power” of the Commonwealth and is the same authority under which fire regulations and building laws operate. There is, therefore, no compensation to individuals on account of such regulations with regard to the development or use of property.

That zoning is a proper exercise of the “police power” has been well established in the United States by a number of court decisions. One of the most far-reaching decisions is that of the Massachusetts Supreme Court rendered in 1920 (234 Mass. 597, 127 N. E. 525) on the constitutionality of the state zoning enabling act. The act was not only held to be in accord with the state con-

stitutional amendment on the subject but also in conformity with the Constitution of the United States. The opinion stated in part that, "The segregation of manufacturing, commercial and mercantile business of various kinds to particular localities, when exercised with reason, may be thought to bear a rational relation to the health and safety of the community, . . . The suppression and prevention of disorder, the extinguishment of fire and the enforcement of regulations for street traffic, and other ordinances designed rightly to promote the general welfare, may be facilitated by the establishment of zones or districts for business as distinguished from residence."

Following the enactment of the necessary permissive legislation, therefore, the City Planning Board submitted to his Honor, Mayor James M. Curley, a comprehensive city planning program, including the preparation of a zoning plan and law. The program met with the approval of the Mayor, the necessary funds were provided, and the work was started as soon as possible thereafter.

Authority for a zoning plan for the City of Boston, therefore, is direct in that it comes from the people themselves by referendum vote on the constitutional amendment — safeguarded and protected at every step by legal opinion — truly a government of, for, and by the people.

The Boston zoning law as it was finally enacted, however, was not passed under authority of the state enabling act of 1920 but stands as a separate and distinct legislative measure. In Massachusetts cities, other than Boston, it is possible under the enabling act to adopt a zoning measure or ordinance through action of the city government. At the outset it was the hope of the City Planning Board and the Zoning Advisory Commission that similar action might prevail in the case of the Boston zoning plan, but it was eventually found necessary to submit it to the Legislature for enactment, rather than to the Mayor and City Council, for the reason that the present Boston building law, which is closely related to zoning, is a state act, and it was held by the best legal opinion that the city government could not modify specific action already taken by a higher authority.

## II.—GROWTH OF THE ZONING MOVEMENT,

Boston is probably the only city in the United States that has been zoned directly by a state legislative act. The nearest approach to a zoning law adopted in this manner was the appointment by Congress, in 1920, of a special commission with specific zoning powers for Washington. A Federal law for the capital had been previously passed, in 1899, limiting the heights of buildings by districts. With this exception, however, Boston was the first city in the United States to adopt comprehensive building height regulations, varying in different parts of the city. The first step was taken in 1898 when the Legislature passed restrictions upon building heights around Copley square. In 1904 the city was divided into two districts, — "A," where a majority of the buildings were devoted to business purposes, with a 125-foot height limit, which was raised to 155 feet in 1923; and "B" where a majority of the buildings were devoted to residential purposes, with an 80-foot height limit, or 100 feet on the wider streets.

While Boston was a pioneer, therefore, in comprehensive height of building regulations, to Los Angeles belongs the credit of being the first American city to establish, in 1909, various use districts. It was not until 1916, however, that comprehensive zoning, that is, combined use, height and area regulations, was adopted, when the New York City zoning ordinance was passed.

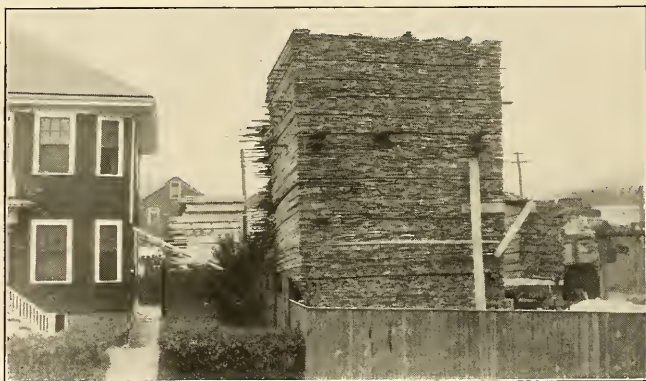
According to the latest report of the Division of Building and Housing of the United States Department of Commerce (August 30, 1924) approximately 24,000,000 people, living in 261 municipalities throughout the United States, are enjoying the benefits to be derived from the adoption of a zoning plan.

### III.—WHAT IS ZONING?

Zoning may be defined, in general, as action by the state, or by a city under authority of the state, to control, under the police power:

- (a) The heights to which buildings may be erected;
- (b) The area of lots that must be left unbuilt upon; and
- (c) The uses to which buildings and lots may be put.

In other words zoning is a conscious, intelligent effort to direct the future development of the city by means of reasonable regulations based on the health, safety, convenience and welfare of the inhabitants. Like good housekeeping, it provides a place for



**FIG. 1.—A LUMBER YARD MAKING ITS HOME IN A RESIDENTIAL DISTRICT.**

**Such an injury to a residential section cannot be repeated with the Zoning Law in effect.**

everything and tries to keep everything in its place. Like wise business management, it makes provision for orderly growth and industrial expansion. Existing buildings and uses are not affected by the zoning law since it is not retroactive in any particular, but all new construction is required to go in its appropriate district.

Zoning stabilizes and protects property values and investments. It divides the city into districts for residential, business and industrial uses. It protects the homes in residential areas from injury due to encroachments of business or of industry. It affords districts in which industries and commercial enterprises may safely locate without fear of protest and with every facility to do business. It ensures permanence of character of districts when once estab-

lished, permitting and encouraging the orderly enlargement of residential areas, of business centers, and of industrial zones.

Zoning is protection for the poor man. It gives by law to the citizen of modest means, both in his home and in his business, the protection the citizen of larger means is able to secure by litigation or by private restrictions. The rich man can often protect himself against various forms of nuisances by legal action. The poor man



FIG. 2.—INTRUSION OF A JUNK SHOP IN A RESIDENTIAL DISTRICT.

The larger structure shown above is used as a junk shop. It is located in a residential district and faces a public school. The surroundings of such small homes as well as the surroundings of school buildings will be kept free from similar objectionable use through the operation of the Zoning Law.

cannot indulge in the luxury of a law suit; he cannot afford to hire a lawyer to prevent a garage being built next door, and he has no recourse when a factory hums about him and reduces the light and air circulation about his home.

Modern building methods, improved transportation facilities, and other means of communication have made possible the great urban populations of today. Engineering construction and business methods as applied to individual building have advanced far more rapidly than the planning of the whole community, with the inevitable result of congestion of people, of buildings, and of traffic.



Private restrictions, which are in reality merely contracts between individuals, have not been found adequate to protect neighborhoods from invasion by undesirable elements, nor to insure the provision of sufficient light and air. There has arisen, therefore, a need for public regulations which shall be applicable to all properties, and which shall be a reasonable invocation of the police power not for personal preferences or private gain, but in the interest of the health, safety, morals and general welfare of the entire community.



FIG. 3.—A COMPLICATED DEVELOPMENT OF FACTORIES, STORES AND DWELLINGS.

Zoning meets this need and is accordingly recognized as the first step in planning for the growth of the whole city in an orderly manner.

Before a comprehensive zoning plan could be prepared for the City of Boston, it was found necessary to make a thorough survey of all phases of the city's development, including the use, location and bulk of buildings as well as the height regulations already adopted, which were not sufficiently differentiated to serve as part of a complete zoning plan. This necessitated a study of existing conditions, of the influences that have governed the city's growth in the past, and the tendencies for the future. With this as a basis, Boston's zoning plan has been prepared in the belief that in its operation will be found the logical solution of the problem of directing the city's growth along sound, progressive lines.

## IV.—BOSTON CONDITIONS.

One of the big problems which Boston faces today, as one of the leading cities in the United States, is the adjustment of its business and industry to the physical layout of the city. During three centuries of growth Boston has undergone many changes in



FIG. 4.—ORIGINAL LAND AREA OF BOSTON PROPER, SHOWING EXTENSIONS BY FILLING TO 1900

topography. From a small Puritan settlement started by Governor Winthrop and associates on the narrow Shawmut or Trimountain peninsula (now downtown Boston), with an acreage less than that of Franklin Park, the city has expanded by filling tidal flats and annexing adjacent territory until municipal Boston today covers 32,315 acres or practically 50 square miles. In 1630 there were 783 acres in the "city proper," on the peninsula. By 1900 this land area had been increased, entirely by filling, to 1,876 acres. South Boston

has been similarly extended and East Boston is now being filled to three times its original size.

Boston's advantageous position with regard to its harbor facilities, combined with its lack of good agricultural land, made it a commercial center from the beginning. In the early days the only connection the peninsula had with Roxbury and the territory to the south was through High street (now Washington street) along the "neck." The area available for commercial development was restricted from the beginning, therefore, by Beacon Hill and the Common on the west. Fort Hill on the east was completely levelled for business use, and filling the tidal flats was the only other way to expand. As this was a slow and expensive process, only as much ground as was absolutely necessary was devoted to street purposes. The work of expansion was carried on from time to time as the need arose for more land, but with little or no thought of future requirements so far as a comprehensive street plan was concerned.

Thus the reasons for the winding and disconnected streets of downtown Boston of the present day may be traced to the following causes:

- (1) The conformation of the original site — hemmed in on every side by the arms of the sea;
- (2) Beacon Hill as a barrier to trade and through streets;
- (3) The method of "making land" by filling the tidal flats;
- (4) The Common and later the adjoining Public Garden preventing thoroughfares in a westerly direction.

The result of such barriers was the gradual development of a system of main thoroughfares radiating from the old portion of the city in a southerly direction, but with no through circumferential streets and few main cross streets. Although conditions have been far from satisfactory for years, as is evidenced by reports as far back as 1894, it is a fact that until the beginning of the present century, the horse-drawn vehicular traffic of the earlier days presented a far less serious problem than that which has accompanied the invention and almost universal use of the automobile, when traffic troubles have multiplied in rapid proportion to the annual increase of thousands of motor vehicles, both pleasure cars and trucks.

The congestion of buildings upon the land became a serious problem in Boston long before traffic congestion became acute. Even in the Colonial days many citizens, finding housing conditions





becoming crowded, moved out into the suburban towns surrounding Boston. Just before the Civil War there was an exodus from Beacon Hill and the other downtown residential areas to the newly developed South End, which was destined to remain the fashionable residential section for only a short time, however. With the filling in of the Back Bay district, and the laying out of wide straight streets and avenues, the pendulum swung in the other direction and the South End was soon deserted by the original residents in favor of new homes on Commonwealth avenue, Marlborough, Newbury, Beacon and the other streets in the Back Bay.



FIG. 6.—FACTORY INVASION OF AN OLD RESIDENTIAL STREET.

During the last ten years, still another movement has set in. Many of the fine old houses on Beacon Hill, which were abandoned by their original owners in favor of more modern developments, have been remodelled into smaller homes, their old Colonial doorways have been restored and a general atmosphere of contentment and satisfaction prevails.

In the South End, where many of the old brick row dwellings have been taken over for lodging house purposes, business has encroached but little up to the present time on the cross streets, but is chiefly confined to such main thoroughfares as Washington and Tremont streets, Columbus and Shawmut avenues. On some of the cross streets, however, small stores and garages are beginning

to come in, but zoning will protect these old residences from further invasion, there being ample space along the thoroughfares for business for years to come.

If Boston's population of more than 750,000 were evenly distributed over the different parts of the city now used for dwellings and over the vacant land, there would be only a density of 45 persons

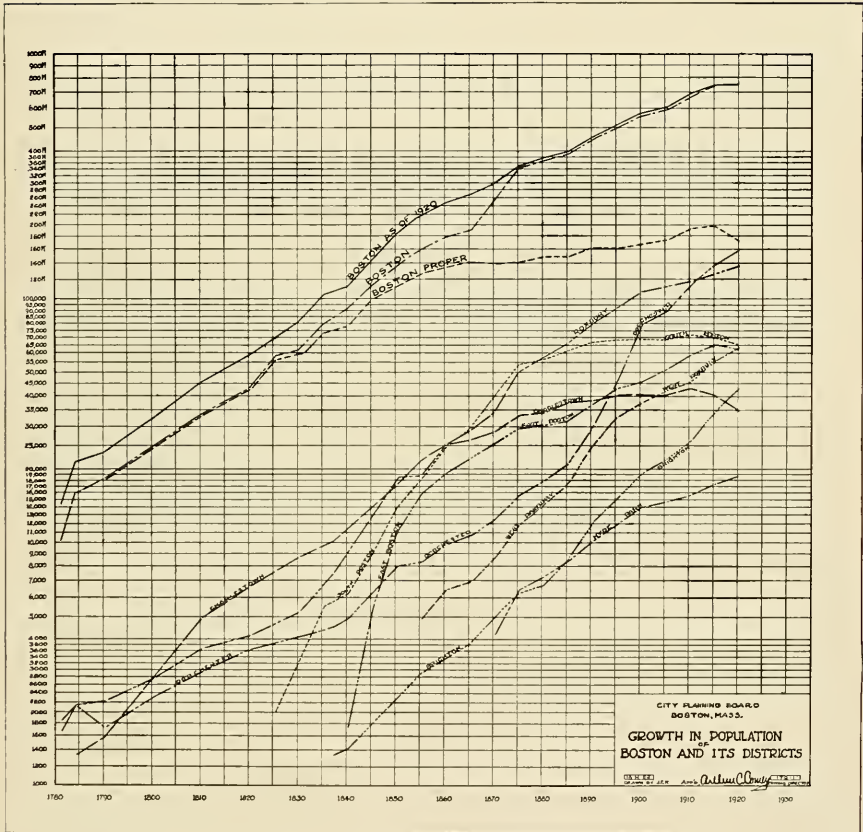


FIG. 7.—CURVES INDICATING POPULATION GROWTH.

Figures in vertical row are of population growth; horizontal figures below indicate ten-year periods. Note decrease in older and increase in newer districts.

or about 9 families per acre, which is about the average number of families allowed per acre in English garden cities. The population of Boston is, of course, not evenly distributed. In the North and West Ends there are from 400 to 800 people per acre living in congested tenement houses. Charlestown, East Boston, South Boston and the South End are also densely populated. However, since 1915 these older sections of the city have been decreasing in population, as shown on the graphic chart on page 19. On the other hand this chart shows a great increase in population in Brighton, Dorchester, Roxbury, West Roxbury and Hyde Park. This trend of population is perhaps indicative of a movement of residents away from the older congested areas, as many of the close-in sections are



**FIG. 8.—A NATURAL LOCATION FOR INDUSTRIES.**

**Building in foreground being converted from residential to commercial use.**

being gradually converted to business purposes. As property becomes necessary for business land values go up, so that it is natural that new dwellings should be built in the outlying districts where land values are lower.

While downtown Boston and most of the older residential sections are congested with buildings and with people, the zoning survey shows that 25 per cent of the entire area of Boston, exclusive of streets, is vacant land. In addition 11 per cent of the entire city consists of tidal flats under water, but available for development — mainly for industrial purposes. How to efficiently develop this 36 per cent of the area of Boston that is not at present utilized is one of the problems which zoning will aid in solving by classifying all real property in the city according to its most appropriate and valuable use.





FIG. 9.—VACANT PROPERTY MAP OF ENTIRE CITY.

Vacant area shown in black. Streets, parks, cemeteries and other public open spaces excluded. Note how large black spaces conform to single (green) and two-family (yellow) residence districts on colored zoning map in back of report.

Boston is not generally looked upon as an industrial city but the zoning survey has revealed the fact that more than 800 different kinds of products are manufactured within the city limits. Many of the industries are, however, operated on a small scale in the general business sections. The larger industries are for the most part near the waterfront in the City Proper, East Boston, Charlestown, South Boston and Dorchester, and along the railroads in outlying sections. At present only  $2\frac{1}{2}$  per cent of the area of the city is being used for industrial purposes. The zoning plan provides 10 times more room for industrial purposes than is now being utilized, or 25 per cent of the total area of the city. Under the zoning law such heavy industries as chemical plants, boiler works, and the like will be required to locate in unrestricted districts near the waterfront on low-lying land — usually not valuable for other purposes.

Most of Boston's business is still carried on in the downtown section where the wholesale leather and woolen concerns, banks, office buildings and big retail stores are located, although many of the high class shops are moving out toward the Back Bay along Boylston street and other business firms are locating in and around the Park square district. There is an increasing tendency for certain lines of business to extend out along main thoroughfares. Business now occupies less than 5 per cent of the city's area while the zoning plan provides about 16 per cent or three times as much space; in addition to the Industrial Districts, from which business is not excluded.

Despite the housing congestion in certain sections of the city, the greater part of the residential area of Boston is composed of one and two-family houses, which take up 18 per cent of the city's area. Four per cent is in three-family houses and only 1 per cent in apartments or tenement houses and hotels. Zoning sets aside 60 per cent of the city for all residential purposes of which 55 per cent is for general residence use, including apartment houses and 5 per cent is for single residences, thus providing ample room for all types of dwellings within the municipal boundaries.

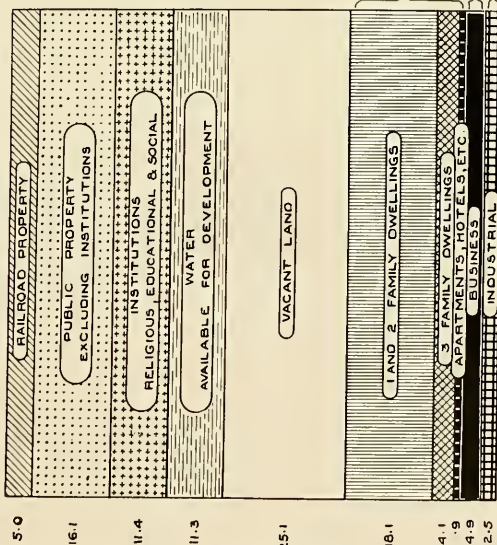
Boston, being an educational center, probably has more public and institutional property than most cities of the United States. Sixteen per cent is public property; 11 per cent is used by religious, educational and social institutions, and 6 per cent is in railroad service. This distribution of uses is shown on the graphic chart on the opposite page.

The percentage figures of various uses quoted above are all exclusive of street area. Six thousand three hundred and twelve acres, or 19.5 per cent of the total area of the city is devoted to street purposes.

# CITY PLANNING BOARD

## USE OF PROPERTY IN BOSTON

### PRESENT USES



### PROPOSED USE DISTRICTS

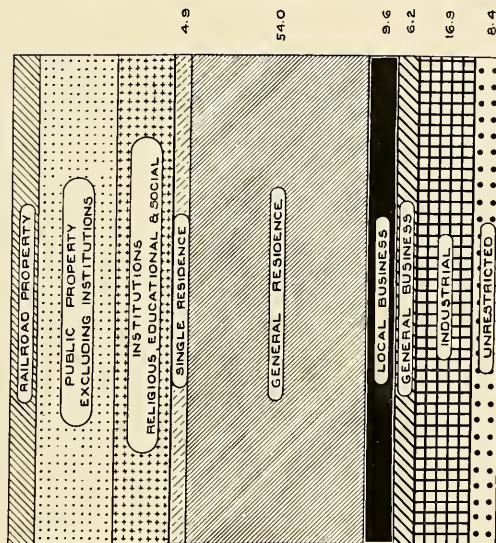


FIG. 10a.—SHOWING OCCUPANCY OF AREAS UNDER FORMER CONDITIONS.  
FIG. 10b.—SHOWING AREAS AVAILABLE FOR OCCUPANCY UNDER ZONING PLAN.

Exclusive of street area.

ARTHUR C. COMEY ZONING DIRECTOR FEBRUARY 1, 1924

## V.—PREPARATION AND PRESENTATION OF THE PLAN.

### GATHERING DATA.

Technical work on the comprehensive zoning plan for Boston was begun in September, 1922, with the appointment of Mr. Arthur C. Comey, member of the American City Planning Institute, as Zoning Director. The work was divided into four parts: (1) Gathering of data; (2) Legal phases; (3) The zoning plan itself; (4) Presentation and publicity. The kind of data compiled is shown in the list of maps appearing in the back of this report. City planning studies made since 1913—when the Board was established, were found useful in carrying on the zoning work. During the eighteen months intensive work in preparing the zoning plan, over 100 different subjects of an economic, social, engineering, architectural and general city planning nature were studied and graphically presented on maps and charts, all of which will be valuable in studying other phases of a comprehensive city plan for Boston as well as being indispensable to the zoning work itself.

### LEGAL PHASES.

In the study of the legal phases of the zoning law and plan, the City Planning Board had the able services of three legal members of the Zoning Advisory Commission, as well as the advice of Hon. Edward M. Bassett, Counsel of the Zoning Committee of New York and eminent authority on zoning law, and of Samuel Silverman, Esq., Assistant Corporation Counsel of the City of Boston. It was necessary to secure an interpretation of the existing zoning powers with a view to determining what, if any, legislation was needed to enable the city to adopt a comprehensive scheme. The Building Code and other regulations were carefully studied as to their effect on such a measure and in order to co-ordinate it with them. One result of these studies was the decision that the zoning, to be effective, must be done by the State legislature, rather than by the municipal authorities.

### THE PLAN ITSELF.

After the necessary data had been gathered and compiled in regard to existing conditions and tendencies, field trips were made all over the city, studying every block and district to find out the





FIG. 11.—TYPICAL SECTION OF INDUSTRIAL MAP OF BOSTON.

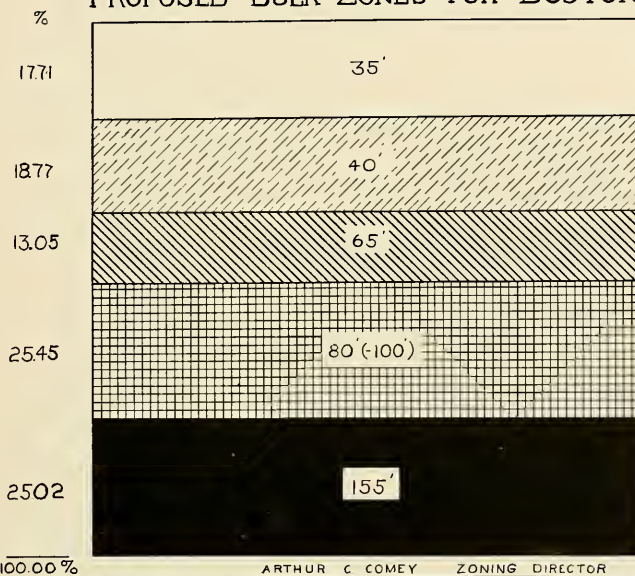
Existing industries are shown in black. Boundaries of industrial districts under the Zoning Plan indicated by shaded lines.

actual conditions on the ground, and at the same time the proposed classification under zoning was tentatively determined. During the period of field investigations a tentative draft of the zoning law was in preparation. Weekly meetings of the City Planning Board and the Zoning Advisory Commission were held with the Zoning Director to perfect the draft of the law. After a draft satisfactory to the Board and to the Commission had been formulated, conferences were held with various organizations particularly interested in zoning, such as the Boston Chamber of Commerce, the Boston and the Massachusetts Real Estate Exchanges, the Boston Society of Architects, the United Improvement Association, the Boston Central Labor Union, the Boston Society of Civil Engineers, the Boston Society of Landscape Architects and others, from whom further suggestions were invited.

#### PRESENTATION AND PUBLICITY.

About three months before the completion of the final draft of the zoning law, a member of the technical zoning staff was given charge of the presentation and publicity of the plan. As the draft was being perfected an outline, summary and other explanatory material was being worked up in the office. The news of the progress of the zoning work was given out to the press from time to time. When the final draft was completed, approved, and forwarded by His Honor the Mayor to the Legislature, an intensive publicity campaign was begun. The daily newspapers were the chief medium. The press of Boston, recognizing zoning as an important issue affecting the whole city, generously responded by giving the plan wide publicity. More than 33 columns or 702 column inches appeared in the newspapers on the subject of zoning for Boston during the two-year period from April 1, 1922, to April 1, 1924. About two-thirds of the total amount of publicity appeared since January 12, 1924, when the zoning bill was filed with the Legislature. Various business organs and other periodicals published news items and special articles regarding the plan. In addition to the printed zoning literature distributed to organizations and individuals by the City Planning Board, mimeographed copies explaining certain special phases of the subject were made for the use of the Advisory Commission and others closely connected with the work. (See list at end of this report.)

# CITY PLANNING BOARD PROPOSED BULK ZONES FOR BOSTON



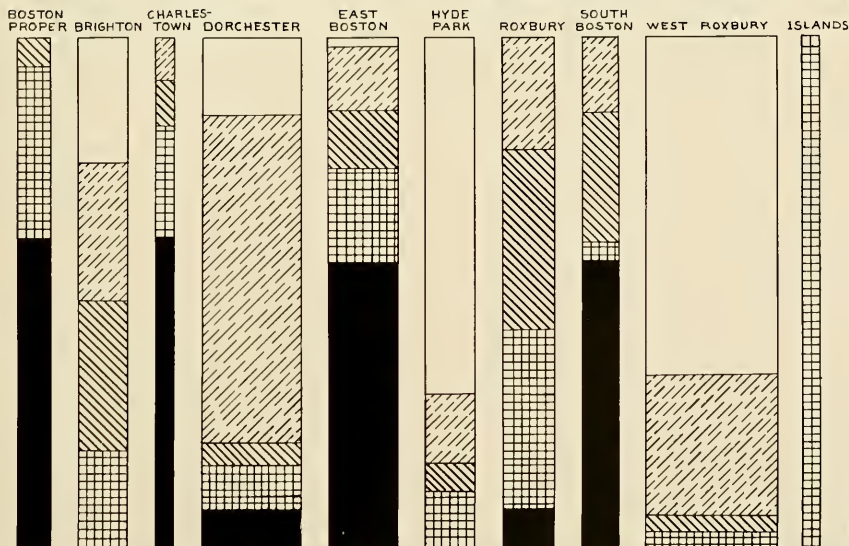
ARTHUR C COMEY ZONING DIRECTOR

FEB. 1, 1924

FIG. 12a.—COMPARATIVE AREAS OF BULK ZONES.

As permitted by maximum height regulations under the zoning plan.

# CITY PLANNING BOARD PROPOSED BULK ZONES FOR BOSTON BY DISTRICTS



ARTHUR C COMEY ZONING DIRECTOR

FEB. 1, 1924

FIG. 12b.—COMPARATIVE AREAS OF BULK ZONES BY DISTRICTS.



The zoning plan was first presented on a small scale colored map of the whole city showing all the proposed zoning districts. (See map at end of report.) This was attached to a preliminary draft of the law and distributed to various organizations and individuals. Later the 11 district maps showing the final zoning boundaries were made from a new 400-foot scale base map of the city which had been especially prepared for this purpose.

Various civic and business associations were invited to come to the City Planning Board offices where the whole scheme was graphically explained with the help of the zoning data and maps on display.



FIG. 13.—PUBLIC GARAGE AND FILLING STATION IN A RESIDENTIAL SECTION.

The next step in presentation and publicity was the holding of three public hearings on February 15, 19 and 26, 1924, in the Council Chamber at City Hall, the meetings being widely advertised in advance on the front pages of the daily papers. Introductory addresses by members of the City Planning Board were made at these hearings and the plan was explained in detail by the Zoning Director, with the aid of lantern slides. Many of the survey sheets and zoning maps were on display, and copies of the proposed law with explanatory literature were distributed. The hearings were well attended by representative citizens, some constructive sugges-

tions were offered and certain misapprehensions as to the operation of a zoning law and plan were corrected.

Members of the City Planning Board, of the Zoning Advisory Commission, and of the technical staff spoke before various civic, business and neighborhood organizations during the five months' period from the date of filing the bill until its final enactment. A Zoning Manual containing the law, maps and considerable explanatory material was compiled and was a distinct help to the speakers in the presentation of the subject before the various groups.

At the public hearings held at the State House on February 28 and March 11 before the Legislative Committee on Mercantile Affairs, the zoning plan was fully presented by Frederic H. Fay, chairman of the City Planning Board, assisted by John J. Walsh, member, Samuel Silverman, Assistant Corporation Counsel, Arthur C. Ccmev, Zoning Director, John H. Mahony, Building Commissioner, Neal J. Holland, Acting Chairman Assessing Department, Theodore A. Glynn, Fire Commissioner, John O. Taber, Chief of the Fire Department, and by several members of the Zoning Advisory Commission, all of whom set forth different phases of the plan in a definite and convincing manner. In addition, Hon. Edward M. Bassett, Counsel of the Zoning Committee of New York, was present at both hearings and gave a legal review of zoning in the United States, showing how New York had profited by enacting a comprehensive zoning law and pointing out the advantages to Boston in the adoption of similar regulations.

It is doubtful if any measure was ever presented to the General Court with a more united support than was evidenced by organizations and individuals in behalf of the Zoning Plan for the City of Boston. Its adoption was urged by representatives of the Boston Chamber of Commerce, the Boston Central Labor Union, the Boston Society of Architects, the Boston Society of Landscape Architects, the Boston Society of Civil Engineers, the Master Builders' Association, the Massachusetts Real Estate Exchange, the Team Owners' Association, Inc., the United Improvement Association, the Dorchester Board of Trade, the West Roxbury Citizens' Association, the Women's Municipal League, the South End Improvement Association, the Massachusetts Civic League, the Beacon Hill Associates, the United Building Trades' Council, the Division of Metropolitan Planning, the Boston Students' Union, the South End

Property Owners' Association, the Savin Hill Improvement Association, the Massachusetts Federation of Planning Boards, and others until the members of the Legislative Committee actually wearied of the practically unanimous indorsements based upon the different points of view. One organization stood alone in opposition to the passage of the law on the ground that the plan should be subjected to further study and consideration.

## VI.—HOW BOSTON WILL BENEFIT BY ZONING.

Improved living conditions and increased efficiency and prosperity in business and industry should be among the chief benefits of a comprehensive zoning plan for Boston.

The continued development of Boston as the main business and distributing center for New England will be encouraged by the zoning plan as it places the downtown shopping, financial and office sections in a General Business zone. This means that the business district will be protected from the intrusion of heavy manufacturing interests which would be detrimental to its primary function as a business center.

Large areas along the waterfront, and also locations convenient to rail transportation in East Boston, Charlestown, Brighton, Dorchester and the City Proper that are particularly suitable for manufacturing plants are classed as Industrial Districts, as well as smaller areas along the railroads in suburban districts. Manufacturers locating in these districts will be assured that such industries as blast furnaces, boiler works, cement mills or chemical factories cannot locate near them, as those peculiar industries that would be noxious or injurious elsewhere, under the zoning plan, can locate only in Unrestricted Districts. This regulation alone should act as an incentive for new manufacturers to move to Boston, while shoe factories, candy factories, and others already started will be further encouraged.

With a comprehensive zoning plan in operation all over the city it will be possible to tell with reasonable certainty whether the various districts will develop along business, industrial or residential lines. The generally appropriate use of land will be defined, which should tend to stabilize real estate values and prevent "blighted districts" where buildings become run down and values decline. Definite knowledge with regard to the location of the particular areas of the city to be devoted to business, industry and residence will mean a saving of money to the city and to the taxpayers in as much as streets, water, gas, electric service and other public utilities can be installed to meet the particular needs of the different districts without waste or duplication.

The segregation of trade from homes will make it possible to provide the proper thoroughfares for each different type of occu-

pancy. Wide streets with heavy paving are not necessary for residential districts, but are desirable for business and commercial traffic. Wide sidewalks are an asset to a retail business district, but unnecessary and a waste of money in manufacturing areas. Thus zoning will help indirectly to relieve traffic congestion, by putting the problem upon a more logical and controllable basis.

By separating residences from factories and business there will be less danger from automobile accidents. From statistics compiled by the Registrar of Motor Vehicles for Massachusetts, nine out of every ten children killed by automobiles in Boston in 1923 were in thickly settled mixed business and residential districts of the city.



FIG. 14.—SMALL STORE ON RESIDENTIAL STREET VIOLATING USE AND SET-BACK PROVISIONS OF THE ZONING LAW.

Through the exclusion of factories, stores and all business from residential districts, home neighborhoods will be free from noise, dust, odors and the increased automobile traffic that accompanies business development. Home owners will not only be protected from the discomforts of factories and stores locating in their immediate neighborhood, but they will be protected from a lowering of their property values by the intrusion of objectionable uses.

By segregating different types of residences into districts, particularly according to their height, owners who desire one, two or three family houses will be protected from the erection of tall apartment buildings in their districts.



The provisions in the zoning law for side and rear yards and for the maximum amount of lot occupancy will produce more light and air in buildings, except in the relatively limited areas of present congestion, and should be a big factor in improving living conditions. No further crowding of buildings upon the land can take place and in time even the congestion at present existing in certain sections of the city will be automatically eliminated.

Zoning should be a help to the natural decentralization process already going on in Boston, by which the more intensive enterprises occupy the high value land close in and gradually push



FIG. 15.—THREE DECKERS PROJECTING BEYOND OTHER HOUSES ON A SINGLE-RESIDENCE STREET.

other business and residential uses farther away from the central district. This will be furthered by providing future local and general business districts along main thoroughfares and at sub-centers.

Zoning should restore confidence in building conditions in as much as with the zoning law in operation all over the city every owner is assured that he may safely go ahead with the erection of buildings and the improvement of his property. Private restrictions will seldom be necessary. Litigation and injunction proceedings between neighbors on account of misplaced structures should be eliminated as the zoning law will assure an orderly development and

will operate on all similarly situated districts alike. Thus one of the big benefits to the whole city will be the bringing of order and certainty out of the present haphazard and uncertain building conditions.

A direct benefit of zoning, which is perhaps of more value in Boston than in any other city of the United States, will be the protection and preservation of old historical buildings and sites. Boston's famous Beacon Hill district, parts of the South End, South Boston and Charlestown are included in the residential districts and



**FIG. 16.—APARTMENT HOUSE IN DETACHED RESIDENCE DISTRICT.**  
**Showing need for set-back regulations.**

are accordingly protected from further business invasion. The protection of these old residential districts will also enable many people to continue to live within walking distance of their work — a distinct advantage in these days of traffic congestion due to automobiles, street cars, rapid transit, and other means of transportation.

As a new type of architecture has developed in New York as a result of the zoning regulations applying to the height of buildings, in Boston, where the skyscraper problem has already been solved — by preventing it — a new way of further developing an old city may result, a city with its buildings spread out to allow fresh air and sunshine to enter and with sufficient space between structures to permit the planting of trees, grass and flowers so that every man, woman and child may inherit their natural birthright to a fair share of light and air and access to the earth itself.

## VII.

# THE ADVANTAGES OF A ZONING LAW FOR THE CITY OF BOSTON

## FROM ELEVEN DIFFERENT POINTS OF VIEW

AS EXPRESSED BY THE MEMBERS OF THE ZONING ADVISORY COMMISSION APPOINTED BY HIS HONOR THE MAYOR IN AUGUST, 1922, FROM NAMES SUBMITTED BY THE VARIOUS ORGANIZATIONS LISTED, TO CO-OPERATE WITH THE CITY PLANNING BOARD IN THE PREPARATION OF A ZONING PLAN FOR THE CITY OF BOSTON.

### ZONING ADVISORY COMMISSION.

MEMBER APPOINTED BY HIS HONOR THE MAYOR.	NOMINATING ORGANIZATION.	APPROXIMATE GROUP MEMBERSHIP.
THEODORE W. LITTLE . . .	Associated Industries of Massachusetts . . .	1,561 manufacturers.
P. HARRY JENNINGS . . .	Boston Central Labor Union . . .	45,000 individuals comprising 150 local organizations.
ROBERT A. WOODS . . .	Boston Chamber of Commerce . . .	7,500 business men.
ELBRIDGE R. ANDERSON . . .	Boston Real Estate Exchange . . .	587 real estate brokers, dealers, owners, trustees, etc.
DANA SOMES . . .	Boston Society of Architects . . .	186 architects and associates.
WARREN H. MANNING . . .	Boston Society of Landscape Architects . . .	31 landscape architects and associates.
C. FRANK ALLEN . . .	Boston Society of Civil Engineers . . .	930 engineers.
WILLIAM H. SAYWARD . . .	Master Builders' Association . . .	200 general contractors, sub- contractors and dealers in materials.
LUTHER C. GREENLEAF . . .	Massachusetts Real Estate Exchange . . .	550 property owners, real estate operators and brokers.
GEORGE F. STEBBINS . . .	Team Owners' Association, Inc. . . .	75 team owners.
WALTER R. MEINS . . .	United Improvement Association . . .	7,000 individuals comprising eighteen local associations.
TOTAL GROUP MEMBERSHIP (Approximately) . . .		<u>63,620</u>

## THEODORE W. LITTLE.

(NOMINATED BY THE ASSOCIATED INDUSTRIES OF MASSACHUSETTS.)

The value of zoning to the City of Boston cannot be well disputed, for in the main it provides for an orderly and sensible future development advantageous to all interests.

From the view of industry, recognition is made of the fact that a community to be prosperous must foster its industries and therefore desirable locations for various manufacturing activities are set aside for such purposes in localities that best provide the necessary advantages, such as land of reasonable value, railroad facilities, and opportunities for expansion, at the same time providing relief from the more strict requirements essential to residential districts.

A factor to be noted is that this plan is for the future and as it is not retroactive in any sense, it causes no hardship to any existing industry.

As laid out, industrial districts include extensive areas now used or suitable for manufacturing activities as well as certain small areas along railroads near the larger suburban communities. These districts are open to all except those industries which are particularly obnoxious or objectionable on account of fumes, noise, odors or smoke, and adequate provision is made for industries of this type in locations that are suitable and advantageous but yet less objectionable to all the other many interests of the community.

## P. HARRY JENNINGS.

(NOMINATED BY THE BOSTON CENTRAL LABOR UNION.)

No group of people in the world should derive more benefit from the application of a carefully prepared zoning law than the men and women who are for the most part compelled to live, work and play under such conditions as others may see fit or may be required to establish for them.

The welfare of the worker depends upon continuity of employment and reasonable compensation combined with healthful living conditions. His prosperity, like that of the community, depends upon and is in proportion to the industrial development of the municipality itself. The expansion of industry means the expansion of opportunities for him and the consequent reflection in his home life.

The setting apart of certain areas for industrial purposes and the restricting of other areas to residential use gives a feeling of permanence and a sure foundation upon which to build for the future. Not only is employment fairly fixed but housing conditions are assured, practically guaranteeing home-owning as an investment; while at the same time safeguarding the health of the entire family through the provision of adequate light, air and sunshine.

Organized labor has always stood solidly behind every movement for improved living conditions. A zoning law that will encourage commercial and industrial development, and at the same time regulate and restrict residential areas with due regard to their dependence upon each other and the desirability of their freedom from invasion, is fulfilling the highest purpose for which the principles of government were decreed.

## ROBERT A. WOODS.

(NOMINATED BY THE BOSTON CHAMBER OF COMMERCE.)

Zoning represents the city as a whole making up its mind about the many-mansioned habitation in which it is to live, and variously shaping plans and specifications to secure the manifold considered result. It secures, in broad-scale structural terms, the greatest good of the greatest number, with a surprising minimum of brick-and-mortar harm to anybody. It looks like something formal and superficial; but there is hardly a kind of city need that it will not help to meet, and hardly a prospect of city well-being which it will not encourage. Under this system, every block in the city will gradually represent a bit of crystallized civic logic, with a conclusion precisely adapted to its human use, whether of commerce and industry, or of family and neighborhood.

## ELBRIDGE R. ANDERSON.

(NOMINATED BY THE BOSTON REAL ESTATE EXCHANGE.)

I am of the opinion that a proper development of the City of Boston and a protection of residential properties in the city cannot be realized without a proper zoning statute applicable to the City of Boston.

I believe that the various districts of the city can be so zoned as to save to the citizens of the City of Boston great amounts of money that have already been invested in residential and business properties.

I believe that if a proper zoning statute had been in existence that the residential districts of Dorchester, Jamaica Plain, and various of the outlying districts could have been saved from depreciated values in single and double houses by the grouping in certain districts of houses for more than one or two families, and that the districts could have been saved from the eyesore of what were termed in the early days in Dorchester "the piano box three deckers."

I believe that a proper zoning ordinance will be for the financial benefit of every citizen of the City of Boston.



## DANA SOMES.

(NOMINATED BY THE BOSTON SOCIETY OF ARCHITECTS.)

The life of an architect is devoted to planning and placing things in their proper relation one to another, which function when applied to a large city is called zoning. In consequence he can see no valid argument against zoning in principle. When he urges on his house-building client the convenience of keeping the garbage man from walking through the living room, he usually receives a certain amount of sympathetic agreement. When he suggests an application of exactly the same practice of common sense to the planning of his city, he cannot understand a disagreement.

Constantly the rapid growth and the continual state of flux of the modern city is being impressed upon the architect. His most permanent buildings are figured for a life of fifty years and seldom outlive that time. Under past conditions this flux has been controlled, sometimes by the most trivial incidents, sometimes by the ignorance or cupidity of single individuals, or more often by nothing at all. It is this "Topsy-like" growth that zoning aims to control. It provides the proper molds for the flow of this growth. The results will undoubtedly be that taxation values will be more uniformly spread; that the gambling element in real estate operations will be greatly reduced and that city slums and other undesirable elements will gradually be eliminated. Finally, but not the least important, the zoned city will gradually take on a uniformity of cornice lines and building heights and each neighborhood will acquire a unity of architectural treatment proper to its use. These results will not be immediately apparent, but the future advantage to the community will far outweigh the few cases of individual hardship which may possibly arise from the application of zoning principles.

## WARREN H. MANNING.

(NOMINATED BY THE BOSTON SOCIETY OF LANDSCAPE ARCHITECTS.)

The proposed zoning law to benefit Bostonians with its "minimum requirements" is less drastic than like laws of Colonial days. Then, no man conceived today's crowded, piled-up conditions that have led earnest men to give weeks of valuable time to zoning studies for the protection of the property and the health values of the majorities against an aggressive, selfish, thoughtless few, with a minority of malicious ones.

Boston, instead of leading as usual, is simply getting in step with many other cities in this zoning movement that will surely lead to the classification of all lands in our United States to determine the most fit self-supporting uses, to estimate ultimate yields for determining intercommunication requirements, before regional or city planning can be forecasted wisely.

Such zoning will lead men from the unfit to the most fit soils for greater crop and labor yields. It will prevent foul smelling tannery districts from injuring fair towns. It will prevent the construction of homes that will require the destruction of such manufacturing values in the localities that are most fit for manufacturing.

This is what zoning means.

## C. FRANK ALLEN.

(NOMINATED BY THE BOSTON SOCIETY OF CIVIL ENGINEERS.)

Restrictions upon the uses of lands sold have been customary for very many years, and purchasers have welcomed them. Individuals can restrict only over limited areas and for limited time. Where larger tracts with various owners are involved, concerted community action is required, and such action is known as zoning, or dividing a municipality into districts or zones for several varieties of uses.

Business, in general, is best served when stability of conditions and values is secured. It is more important that prices shall be uniform, impartial and certain than that they shall be low. A dealer or manufacturer should not be required to buy speculatively, in a gamble as to a future rise or fall in prices.

An individual, building for residence or for business, needs assurance of continuance of conditions and values so far as reasonable, and that classes of buildings detrimental to the neighborhood shall not be erected.

Zoning is adapted to securing such desirable results. Of the public demand for it, evidence is found in the number of cities and towns zoned, and the rapidity with which zoning is progressing. Zoning, furthermore, finds justification, legally, upon the ground that the rights of the community must predominate over the rights of the individual, which is a necessity for civilized community life.

## WILLIAM H. SAYWARD.

(NOMINATED BY THE MASTER BUILDERS' ASSOCIATION.)

Had the City of Boston twenty-five years ago adopted a system of zoning, involving the same principles as those comprehended in the zoning bill now before our Legislature, our city by this time would have been vastly benefited through the operation of a system which determined where differing types of buildings might be erected, so that the city as a whole would develop most advantageously, and the interests of property owners be preserved.

Although the situation is made more complicated by what has occurred in the past twenty-five years, and although we must now accommodate our plans to existing conditions, the problem is not as difficult as might at first seem; indeed in some respects some developments have made it easier to make definite boundary lines of districts than it would have been in the year 1900. Anyway the old adage "it is never too late to mend" may well apply, and as the principles underlying the idea of zoning are the same now as they would have been at any time in the history of our city, we need not be at all disconcerted in adjusting them to conditions now existing, and one cannot readily conceive of any good reason for further delay in making sure that the future development of the city shall conform to definite plans intelligently devised as we believe our present proposition comprehends.

**LUTHER C. GREENLEAF.**

(NOMINATED BY THE MASSACHUSETTS REAL ESTATE EXCHANGE.)

Zoning is valuable to the home owner and rent payer as a protection against the building of stores out to street lines and planting of industries in the midst of fine residential districts as soon as the limited private restrictions have expired, thus making any residential zone stable in its character and more desirable for the erection and maintenance of permanent homes.

Zoning is valuable to the business man and manufacturer because it establishes the character of the business districts and creates lines of traffic and transportation which have a tendency to continually increase the value of these zones for business and manufacturing interests.

Zoning is valuable to the real estate owner because of the centralization in zones of the different types of residences, classes of business and manufacturing industries. This has been thoroughly demonstrated in the downtown sections of Boston, where values have increased so rapidly during the past 25 years.

If there were no other considerations (and there are many others) it would seem that zoning will be of great value to the community as a whole. It is a great civic improvement and should not be longer delayed.

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**GEORGE F. STEBBINS.**

(NOMINATED BY THE TEAM OWNERS' ASSOCIATION, INC.)

Zoning will help to reduce traffic congestion in Boston by making it possible to predict what the nature of the traffic will be on different streets, through knowing definitely what parts of the city will develop for industries, for business and for homes. Street improvements and new streets can be intelligently provided to suit the needs of the different districts. Regulating the heights of buildings in accordance with use and location will minimize the number of people and the amount of goods to be transported between given points, thus making for a greater equalization of the volume of traffic.

Zoning will not only help through traffic, but will tend to relieve local conditions. Wholesale houses and manufacturing plants in loading trucks frequently block sidewalks and leave trucks standing in the streets, causing serious inconvenience, congestion and delay, all of which are reflected in the price ultimately paid by the consumer. If there are retail stores, apartment houses or dwellings adjoining, there is a local congestion situation which sometimes becomes a nuisance.

With a zoning plan in operation, providing separate districts for industrial, general business, local business, and residential uses, the development of Boston from now on will be directed so as to largely eliminate both local and through traffic congestion.

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**WALTER R. MEINS.**

(NOMINATED BY THE UNITED IMPROVEMENT ASSOCIATION.)

Zoning protects the home. While the segregation of obnoxious industries, the delimitation of general business districts, and the convenient location of local business districts have their obvious advantages, to the members of the United Improvement Association zoning makes its especial appeal as a means of safeguarding the home.

The establishment of general residence and single-family residence districts under the provisions of the proposed Act prevents the intrusion of business, insures the permanency of the established character of a residence neighborhood, stabilizes residence property values, because of such stabilization encourages the erection of better homes, induces neighborhood co-operation, and creates a high degree of local civic interest.

Particularly desirable seems the provision in the Act for single-family residence districts, as it insures the retention and further development within the city limits of a most desirable type of home, which in recent years has decreased in Boston, notwithstanding that certain areas of the city are quite as attractive territory for such homes as any of the surrounding towns and cities.

## VIII.

## ZONING LAW OF THE CITY OF BOSTON

(CHAPTER 488 OF THE ACTS OF 1924)

IN EFFECT JUNE 5, 1924

THE COMMONWEALTH OF MASSACHUSETTS

*In the Year One Thousand Nine Hundred and Twenty-Four.*

AN ACT REGULATING AND RESTRICTING THE USE OF BUILDINGS AND PREMISES, THE HEIGHT AND BULK OF BUILDINGS AND THE OCCUPANCY OF LOTS IN THE CITY OF BOSTON AND FOR SAID PURPOSES DIVIDING THE CITY INTO DISTRICTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

## DEFINITIONS.

SECTION I. For the purposes of this act, certain words and terms used herein are hereinafter defined; words not defined herein shall be construed as defined or used in chapter five hundred and fifty of the acts of nineteen hundred and seven, and acts in amendment thereof and in addition thereto, being the building law of the city of Boston, hereinafter referred to as the aforesaid building law or, if not defined or used therein, as in the regulations of the department of public safety.

*Building, Area of:* The maximum horizontal projected area of a building, including covered porches but excluding cornices not more than eighteen inches wide, steps and terraces.

*Dwelling:* Any house or building, or portion thereof, except a hotel, which is occupied in whole or in part as the home or residence of one or more persons, either permanently or transiently.

*Hotel:* A building occupied as the more or less temporary abiding place of individuals in which provision is not made for cooking in any apartment, and in which there are more than fifty sleeping rooms, a public dining room for the accommodation of at least fifty guests, and a general kitchen.



*Lot:* Land occupied or to be occupied by a building and its accessory buildings, and including the open spaces required under this act.

*Set-back:* The minimum horizontal distance between the street line and the front line of the building, excluding steps, uncovered porches and covered but unenclosed entrance porches on the first story which do not exceed a total area of fifty square feet.

*Story, Half:* A story which is situated in a sloping roof, the area of which at a height four feet above the floor does not exceed two thirds of the floor area of the story immediately below it and which does not contain an independent apartment. A half story shall not be counted as a story for the purpose of determining yard dimensions.

*Yard, Rear:* An open, unoccupied space on the same lot with a building and between the extreme rear line of said building and the rear line of the lot.

*Yard, Side:* An open, unoccupied space on the same lot with a building extending for the full length of the building between the building and the side line of the lot.

## ESTABLISHMENT OF USE DISTRICTS.

SECTION 2. In order to regulate and restrict the location of trades, industries and other uses, and the location of buildings designed, erected, altered or occupied for specified uses, the city of Boston is hereby divided into the following classes of use districts:

Single Residence districts,  
General Residence districts,  
Local Business districts,  
General Business districts,  
Industrial districts,  
Unrestricted districts,

as appearing on the zoning map prepared by the Boston city planning board, dated March fifteenth, nineteen hundred and twenty-four and filed, April twenty-eighth of said year, in the office of the state secretary, as amended by the substitution of a new sheet ten of said plan, filed with said office May eleventh, nineteen hundred and twenty-four, in place of sheet ten previously filed.

Except as hereinafter provided no building shall be erected or altered nor shall any building or premises be used for any purpose other than a use permitted in the use district in which such building or premises is located.

## SINGLE RESIDENCE DISTRICTS.

SECTION 3. In a single residence district no building or premises shall be erected, altered or used except for one or more of the following uses:

- (1) Single-family detached dwellings;
- (2) Clubs, except clubs the chief activity of which is a service customarily carried on as a business and clubs with more than five sleeping rooms;
- (3) Educational, religious, philanthropic or other institutional uses, provided that in the case of a hospital, sanitarium, correctional institution or similar use the health commissioner of Boston and building commissioner of Boston approve the location as not detrimental or injurious to the residential character of the neighborhood after public notice and hearing;
- (4) Farms, gardens, nurseries or greenhouses;
- (5) Municipal recreational uses;
- (6) Railroad or street railway local passenger stations;
- (7) Cemeteries, provided the health commissioner of Boston and the Boston city council approve the location;
- (8) Accessory uses customarily incident to any of the above permitted uses. The term "accessory use" shall not include:
  - (a) Garages;
  - (b) Any use, except signs, located upon that half of the lot nearest the street line or lines, or within ten feet of such part of an adjacent lot, unless it is either fifty feet from the nearest street or in the same building to which the use is accessory;
  - (c) Signs except those pertaining to the lease, sale or use of a lot or building on which placed, and not exceeding a total area of eight square feet, and except further that on a lot occupied by a dwelling there shall not be more than one such sign, pertaining to the use thereof or bearing the name or occupation of an occupant, for each family housed and no such sign shall exceed one square foot in area;

- (9) Garages in which the business of repairing is not conducted and in which not more than one commercial automobile is stored, provided after public hearing the board of street commissioners grants a license therefor. No such license shall be granted where such garage will be detrimental to the residential character of the neighborhood, or increases the fire hazard or tends to cause congestion in any private way used in common with others. From any decision of said commissioners granting any such license any person aggrieved may take an appeal, within fifteen days of notice of such decision, to the state fire marshal, who may after public hearing suspend or revoke any such license.

#### GENERAL RESIDENCE DISTRICTS.

SECTION 4. In a general residence district no building or premises shall be erected, altered or used except for one or more of the following uses:

- (1) Any use permitted in a single residence district;
- (2) Dwellings;
- (3) Clubs, social or recreational buildings, except clubs the chief activity of which is a service customarily carried on as a business;
- (4) Hotels, provided they conform to all the requirements of this act for dwellings;
- (5) Accessory uses customarily incident to any of the above uses. The term "accessory use" shall be construed as in section three.
- (6) Telephone exchange offices.

In a general residence district the building commissioner may grant a permit for physicians' offices, provided the building or use is not detrimental or injurious to the residential character of the neighborhood.

#### LOCAL BUSINESS DISTRICTS.

SECTION 5. In a local business district no building or premises shall be erected, altered or used for any use prohibited in a general business district as provided in section six, for any use injurious,

noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise, or for any use except one or more of the following:

- (1) Any use permitted in a single or general residence district;
- (2) Hotels;
- (3) Fire stations;
- (4) Offices or banks;
- (5) Places of amusement or assembly;
- (6) Stables, provided the health commissioner after public notice and hearing approves the location;
- (7) Any other retail business or service not involving any manufacture on the premises except as permitted in paragraph eight of this section;
- (8) Any manufacturing, industrial or other use on the same premises with and clearly incidental to one of the above uses, provided that it does not occupy an area exceeding fifty per cent of the floor area of that part of a building occupied by such use, and provided further that the major portion of any products manufactured are to be sold at retail on the premises to the consumer;
- (9) Filling stations or garages otherwise excluded, provided that the board of street commissioners, after public notice and hearing, grants a license therefor. No such license shall be granted where such filling station or garage will be detrimental or injurious to the business character of the neighborhood.

#### GENERAL BUSINESS DISTRICTS.

SECTION 6. In a general business district no building or premises shall be erected, altered or used for any of the following specified trades, industries or uses:

- (1) Aluminum, copper, iron, steel or alloys thereof: foundry or works;
- (2) Assaying, other than gold and silver;
- (3) Blacksmith or horse-shoeing shop;
- (4) Bleaching, dry cleaning or dyeing at wholesale;

- (5) Bottling works;
- (6) Brewing or distilling of liquor or spirits;
- (7) Brick, terra cotta or tile manufacture;
- (8) Building material storage yard;
- (9) Carpet or bag cleaning;
- (10) Coal, coke or wood yard;
- (11) Contractor's plant or storage yard, except during building construction on the same or an adjacent lot;
- (12) Cotton or woolen mills;
- (13) Fish curing or smoking;
- (14) Flour or grain mill or elevator;
- (15) Forge works;
- (16) Glass manufacture;
- (17) Ice manufacture for sale, or storage of more than twenty tons;
- (18) Junk or scrap iron dump, storage or wrecking;
- (19) Lumber yard;
- (20) Oiled or rubber cloth manufacture;
- (21) Paper or pulp manufacture;
- (22) Petroleum or other inflammable liquids: storage in excess of two thousand gallons or manufacture of any of its by-products;
- (23) Planing or saw mill;
- (24) Public utility power generating plant;
- (25) Rags or scrap paper dump, storage, sorting or baling;
- (26) Rock or stone crusher, mill or quarry;
- (27) Rubber manufacture or treatment;
- (28) Shoddy manufacture;
- (29) Soap manufacture;
- (30) Steam railroad yard or roundhouse;
- (31) Stone yard or cutting;
- (32) Sugar refining;
- (33) Tobacco, manufacture of chewing tobacco;
- (34) Any use prohibited in an industrial district as provided in section seven;
- (35) Any other trade, industry or use that is injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise.

## INDUSTRIAL DISTRICTS.

SECTION 7. In an industrial district no building or premises shall be erected, altered or used for any of the following specified trades, industries or uses:

- (1) Ammonia, bleaching powder or chlorine manufacture or refining;
- (2) Asphalt manufacture or refining;
- (3) Blacking or polish manufacture;
- (4) Blast furnace;
- (5) Boiler works;
- (6) Candle or sperm oil manufacture;
- (7) Cement, gypsum, lime or plaster of paris manufacture;
- (8) Coke manufacture;
- (9) Cremation, unless in a cemetery;
- (10) Creosote manufacture or treatment;
- (11) Dextrin, glucose or starch manufacture;
- (12) Disinfectant or insecticide manufacture;
- (13) Distillation of bones, coal or wood or manufacture of any of their by-products;
- (14) Dye manufacture;
- (15) Explosives or fire-works manufacture, or storage in excess of five hundred pounds;
- (16) Fat, grease, lard or tallow manufacture, refining or rendering;
- (17) Fertilizer manufacture;
- (18) Gas (fuel or illuminating) manufacture in excess of one thousand cubic feet per day or storage in excess of ten thousand cubic feet;
- (19) Gelatin, glue or size manufacture;
- (20) Hydrochloric, nitric, picric, sulphuric or sulphurous acid manufacture;
- (21) Hair manufacture;
- (22) Hot rolling mill;
- (23) Incineration or reduction of dead animals, garbage offal or refuse unless accumulated and consumed on the same premises without the emission of odor;
- (24) Lamp-black manufacture;
- (25) Linoleum or oilcloth manufacture;



- (26) Match manufacture;
- (27) Metal or ore reduction or smelting;
- (28) Oil, paint, shellac, turpentine or varnish manufacture;
- (29) Petroleum or other inflammable liquids: production or refining;
- (30) Printing ink manufacture;
- (31) Pyroxylin manufacture, manufacture of articles thereof, or storage in excess of five hundred pounds unless in a vault approved by the state department of public safety;
- (32) Rubber manufacture from crude material;
- (33) Salt, soda or soda compounds manufacture;
- (34) Slaughtering except as permitted by the health commissioner of Boston;
- (35) Stock-yards;
- (36) Tanning, curing or storage of raw hides or skins;
- (37) Tar distillation or manufacture;
- (38) Tar roofing or waterproofing manufacture;
- (39) Wool pulling or scouring;
- (40) Any other trade, industry or use that is injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise, but not including places of amusement.

#### UNRESTRICTED DISTRICTS.

SECTION 8. In an unrestricted district buildings and premises may be used for any purposes not prohibited by law, ordinance or regulation.

#### NON-CONFORMING USES.

SECTION 9. Any lawful use of a building or premises or part thereof existing at the time of the taking effect of this act may be continued, although such use does not conform with the foregoing provisions hereof. In the case of a building or part thereof designed and intended for a non-conforming use, such use in a part thereof may be extended throughout the building or part thereof so designed and intended or changed to any use permitted in a district where such non-conforming use would be permitted and not more detrimental or injurious to the neighborhood, provided no

structural alterations are hereafter made therein, except those required by law, ordinance or regulation.

The building commissioner may grant a permit for the erection of additional buildings or for the enlargement or alteration of existing buildings on the same or an adjacent parcel of land, each in the same single or joint ownership of record at the time it is placed in a use district, for a trade, business, industry or other use prohibited in such district where such enlargement or alteration will not be detrimental or injurious to the character of the neighborhood.

The building commissioner may grant a permit for a non-conforming temporary building or use incidental to the development of a neighborhood and where reasonably required for such development, such permit to be issued for an initial period of not more than two years, and in the case of a building only upon application accompanied by a bond and bill of sale to the city, effective in case the building is not removed prior to the expiration of the permit. Permits may be renewed by the commissioner for successive periods of not more than two years each.

In a general business or industrial district the building commissioner may grant a permit for a building or use otherwise excluded from such district, provided such building or use is distinctly incidental and essential to a use of a building or plant with a series of buildings permitted in such a district, provided not more than twenty per cent of the total floor area of the building or buildings is to be so occupied, provided that not more than twenty per cent of the employees of the building or plant are to be engaged therein, and provided that no building or use otherwise prohibited in the district is located within fifty feet of any street or lot line unless such line adjoins or faces property in a district in which such use is permitted.

## ESTABLISHMENT OF BULK DISTRICTS.

SECTION 10. In order to regulate and limit the height and bulk of buildings, the area of yards and other open spaces and the percentage of lot occupancy, the city of Boston is hereby divided into the following classes of bulk districts:

- Thirty-five foot districts,
- Forty foot districts,
- Sixty-five foot districts,
- Eighty foot districts,
- One hundred and fifty-five foot districts,

as appearing on the zoning map prepared by the Boston city planning board, dated March fifteenth, nineteen hundred and twenty-four and filed, April twenty-eighth of said year, in the office of the state secretary, as amended by the substitution of a new sheet ten of said plan, filed with said office May eleventh, nineteen hundred and twenty-four, in place of sheet ten previously filed.

Except as hereinafter provided no building or part thereof shall be erected or altered so as to produce greater heights, smaller yards or less unoccupied area than herein required for such a building for the bulk district in which it is located.

No lot shall be so reduced that the yards, courts or other open spaces shall be smaller than prescribed by this act. No yard, court or other open space shall at any time be counted as required open space for more than one building.

### THIRTY-FIVE FOOT DISTRICTS.

**SECTION 11.** In a thirty-five foot district:—

*Height:* No building shall exceed thirty-five feet or two and one half stories in height.

*Rear Yards:* There shall be behind every building other than an accessory building a rear yard extending across the entire width of the lot and having a minimum depth of twenty-five feet, provided that on lots not within a single or general residence district the depth may be reduced five feet.

*Side Yards:* There shall be a side yard on each side of every building or pair of semi-detached buildings in a single or general residence district. The minimum width of any side yard provided in a thirty-five foot district shall be six feet, which shall be increased three inches for every ten feet or fraction thereof that the length of the side yard exceeds fifty feet, provided that on no lot held under a separate and distinct ownership from adjacent lots and of record at the time it is placed in a thirty-five foot district shall the buildable width be reduced by this requirement to less than twenty-four feet.

*Courts:* Courts shall conform to the regulations prescribed in sixty-five foot districts. In a single or general residence district no window required by the aforesaid building law shall open upon an outer court the depth of which exceeds its width or upon any inner court.

*Set-back:* In a single or general residence district no building shall hereafter be erected or altered to be within thirty feet of the center of the street on which it fronts or within ten feet of the street line, provided that on a lot between two buildings not more than sixty feet apart the set-back need not exceed the greater of the set-backs of such buildings.

Between the lines of streets intersecting at an angle of less than one hundred and thirty-five degrees and a line joining points on such lines twenty feet distant from their point of intersection no building or structure may be erected and no vegetation may be maintained above a height three and one half feet above the plane through their curb grades.

*Building Area:* The area of a dwelling shall not exceed thirty-five per cent of the area of the lot. The area of a building other than a dwelling shall not exceed sixty per cent of the area of the lot.

#### FORTY FOOT DISTRICTS.

SECTION 12. In a forty foot district:—

*Height:* No building shall exceed forty feet or three stories in height.

*Rear Yards:* There shall be behind every building other than an accessory building a rear yard extending across the entire width of the lot and having a minimum depth of twenty feet.

*Side Yards:* There shall be a side yard on each side of every building or attached group of buildings other than accessory buildings in a single or general residence district unless there is a party wall. The minimum width of any side yard provided in a forty foot district shall be six feet, which shall be increased three inches for every ten feet or fraction thereof that the length of the side yard exceeds fifty feet, provided that on no lot held under a separate and distinct ownership from adjacent lots and of record at the time it is placed in a forty foot district shall the buildable width be reduced by this requirement to less than twenty-four feet.

*Courts:* Courts shall conform to the regulations prescribed in sixty-five foot districts, provided that in a single or general residence district no window required by the aforesaid building law shall open upon any inner court the length or width of which is less than its average height.

*Set-back:* In a single or general residence district no building shall hereafter be erected or altered to be within twenty-five feet of the center of the street on which it fronts or within ten feet of the street line, provided that on a lot between two buildings not more than sixty feet apart the set-back need not exceed the greater of the set-backs of such buildings.

Between the lines of streets intersecting at an angle of less than one hundred and thirty-five degrees and a line joining points on such lines fifteen feet distant from their point of intersection no building or structure may be erected and no vegetation may be maintained above a height three and one half feet above the plane through their curb grades.

*Building Area:* The area of a dwelling shall not exceed sixty per cent of the area of the lot. The area of a building other than a dwelling shall not exceed seventy per cent of the area of the lot.

### SIXTY-FIVE FOOT DISTRICTS.

SECTION 13. In a sixty-five foot district:—

*Height:* No building shall exceed sixty-five feet or five stories in height.

*Yards and Courts:* There shall be in the rear of every building other than an accessory building a rear yard extending across the entire width of the lot, provided that no rear yard shall be required for any building in those cases enumerated in section fifty-six of the aforesaid building law. All yards and courts shall conform to the requirements prescribed for tenement houses by the aforesaid building law.

*Set-back:* In a single or general residence district, in a sixty-five foot district and in any adjacent forty foot or thirty-five foot district on lots fronting on one side of a street between two intersecting streets no building shall hereafter be erected or altered to be nearer the street line than the average set-back of existing buildings within such limits, subject to the following provisions:

1. No set-back need exceed ten feet in any case. Any reduced set-back thus established shall be used in computing the average set-back.

2. On a lot between two buildings not more than sixty feet apart the set-back need not exceed the greater of the set-backs of



such buildings. Any set-back thus established shall be included in computing the average set-back.

Between the lines of streets intersecting at an angle of less than one hundred and thirty-five degrees and a line joining points on such lines ten feet distant from their point of intersection no building or structure may be erected and no vegetation may be maintained above a height three and one half feet above the plane through their curb grades.

*Building Area:* The area of a dwelling shall not exceed seventy per cent of the area of the lot. The area of a building other than a dwelling shall not exceed eighty per cent of the area of the lot.

### EIGHTY FOOT DISTRICTS.

SECTION 14. In an eighty foot district:—

*Height:* No building shall exceed the height limit heretofore in effect in district B as established by the commission on height of buildings in the city of Boston under chapter three hundred and thirty-three of the acts of nineteen hundred and four, and as thereafter revised; provided, that nothing herein shall be construed to affect the now existing limit of the height of buildings abutting on Commonwealth avenue between Arlington and Kenmore streets.

*Set-back:* Between the lines of streets intersecting at an angle of less than one hundred and thirty-five degrees and a line joining points on such lines five feet distant from their point of intersection no building or structure may be erected and no vegetation may be maintained above a height three and one half feet above the plane through their curb grades.

*Building Area:* In a single or general residence district and for dwellings in any use district the area of a building shall not exceed eighty per cent of the area of the lot. For other buildings no requirements are herein prescribed.

### ONE HUNDRED AND FIFTY-FIVE FOOT DISTRICTS.

SECTION 15. In a one hundred and fifty-five foot district:—

*Height:* No building shall exceed the height heretofore in effect in district A as established by the commission on height of buildings in the city of Boston under chapter three hundred and thirty-three of the acts of nineteen hundred and four, and as thereafter revised.



## BULK DISTRICT REGULATIONS AND EXCEPTIONS.

SECTION 16. The foregoing requirements in the bulk districts shall be subject to the following exceptions and regulations:

### *Height.*

(1) In a thirty-five foot or forty foot district a single-family dwelling or building for recreational use may be built to a height of three and one half stories but not exceeding forty-five feet, and an educational, religious, philanthropic or other institutional building may be built to a height of five stories, but not exceeding sixty-five feet, provided in each case the building sets back from each street and lot line, in addition to other yard and set-back requirements, ten feet plus one foot for each foot of such height in excess of the height limit; and a telephone exchange office may be built to a height of five stories but not exceeding sixty-five feet, provided that the part of the building above the height limit sets back ten feet from each street and lot line, in addition to other yard and set-back requirements.

(2) In an industrial or unrestricted district all dwellings shall conform to the regulations herein prescribed for dwellings in forty foot districts.

(3) Structures specified in and exempted from height limitation by section four of chapter three hundred and eighty-three of the acts of nineteen hundred and five, as amended by section one of chapter one hundred and fifty-six of the Special Acts of nineteen hundred and nineteen, by chapter one hundred and seventy-four of the acts of nineteen hundred and twenty-two and by section twenty-seven of chapter four hundred and sixty-two of the acts of nineteen hundred and twenty-three, may be erected above the height limit herein established.

### *Area.*

(4) In a thirty-five foot or forty foot district on a lot less than one hundred feet deep the depth of a rear yard may be reduced to one per cent of the depth required in preceding sections of this act for each foot of lot depth, but in no such case to less than twelve feet.

(5) In a thirty-five foot or forty foot district where there is a street, alley, railroad right of way, public park or cemetery along the rear or side of a lot, the measurement of the depth of rear yard

and width of side yard may be made to the center of such street, alley, right of way, park or cemetery, and for that portion of the lot within twenty-five feet of any such rear or side, the building area may be increased by an additional ten per cent of such portion of the lot.

(6) In a thirty-five foot or forty foot district where there is a street, alley, railroad right of way, public park or cemetery along the side of a lot, for that portion of the lot within twenty-five feet of such side the depth of rear yard may be reduced six feet.

(7) In a thirty-five foot or forty foot district where a lot containing ten thousand square feet or less is entirely surrounded by streets or by streets and alleys or a railroad right of way, public park or cemetery, the building area may be increased twenty per cent.

(8) In a sixty-five foot or eighty foot district on a lot where no yard is required the building area may be increased thirty per cent.

(9) No part of a yard required for a dwelling shall be higher in level above the floor of the first dwelling story than one foot for each two feet of distance from the building or for other buildings a similar distance above the second story floor.

(10) Every part of a required yard or court shall be open from its lowest point to the sky unobstructed except for the projections of sky-lights above the bottom of such yard or court, and except for the ordinary projections of window-sills, belt courses and other ornamental features, to the extent of not more than four inches. Cornices may not extend more than four inches into any court nor more than eighteen inches into any yard. Open or lattice-enclosed iron fire escapes or unenclosed outside stairs may project into the rear or side yard a distance of not more than four feet, provided that the exact location thereof receives the approval of the building commissioner.

(11) The limitation of building area herein prescribed shall apply in a thirty-five foot or forty foot single or general residence district at the curb grade; for a dwelling in any other district at a level not more than two feet above the first story floor; elsewhere not more than two feet above the second story floor; and not more than twenty feet above the mean curb grade in any case.

(12) On a lot occupied by a dwelling other than a tenement house a one-story building of accessory use thereto and not more

than fifteen feet high measured to the mean height of the gable may be located in and occupy not more than thirty per cent of the rear yard of such dwelling. The area occupied by such a building of accessory use shall not be included as occupied area in computing the percentage of lot occupancy.

(13) Chimneys or flues may be erected within the limits prescribed for yards, provided that they do not exceed five square feet in total horizontal area and do not obstruct ventilation.

### BOUNDARIES OF DISTRICTS.

SECTION 17. Unless otherwise indicated, the district boundary lines are the center lines of streets, alleys, parkways or railroad rights of way, or such lines extended. Other lines within blocks less than two hundred feet wide are median lines between their sides; other lines within blocks two hundred feet or more wide are one hundred feet distant from the less restricted side of the block.

Where the boundary line of a district divides a lot in a single or joint ownership at the time such district is established, a building or use authorized on the less restricted portion of such lot may extend to the entire lot but in no case for a distance of more than thirty feet.

Where the street or alley layout actually on the ground varies from the layout as shown on the zoning map the building commissioner shall interpret said map according to the reasonable intent of this act.

### ENFORCEMENT; PERMITS.

SECTION 18. It shall be the duty of the building commissioner of the city of Boston to enforce the provisions of this act in manner and form and with powers similar to those practised or provided under the aforesaid building law. No permit shall be issued for the construction, alteration or moving of any building or part thereof unless the plans and intended use indicate that the building and the premises are to conform in all respects to the provisions of this act.

Upon any well founded information in writing from any person aggrieved that the provisions of this chapter are being violated or upon his own initiative, the building commissioner shall take immediate steps to enforce the provisions of this act by causing complaint to be made before the municipal court of the city of Boston or by applying for an injunction in the superior court.

It shall be unlawful to use or permit the use of any premises or building or part thereof hereafter erected, or altered wholly or partly or the yards, courts or other open spaces of which are in any way reduced, until the building commissioner shall have certified on the building permit or, in case no building permit is issued, shall have issued a use permit specifying the use to which the premises, or the building upon being sufficiently completed to comply with the provisions and regulations relating thereto may be put.

### APPEALS.

SECTION 19. The board of appeal provided for in paragraph one of section six of the aforesaid building law shall act as a board of appeal under this act, and the members thereof shall receive for acting under this act the same compensation as provided in the aforesaid building law.

Any applicant for a permit under this act whose application has been refused may appeal therefrom within ninety days. Any applicant to the building commissioner for a permit who appeals to the said board shall pay to him a fee of ten dollars before such permit shall be considered by the board. Such fees shall be deposited by the building commissioner with the city collector at least once a week.

The board of appeal may vary the application of this act in specific cases wherein its enforcement would involve practical difficulty or unnecessary hardship and wherein desirable relief may be granted without substantially derogating from the intent and purpose of this act, but not otherwise. No such variance shall be authorized except by the unanimous decision of the entire membership of the board, rendered upon a written petition addressed to the board and after public hearing thereon, of which notice shall be mailed to the petitioner and to the owners of all property deemed by the board to be affected thereby as they appear in the most recent local tax list and also advertised in a daily newspaper published in the city of Boston.

The board shall cause to be made a detailed record of all its proceedings, which record shall set forth the reasons for its decisions, the vote of each member participating therein, and the absence of a member or his failure to vote. Such record, immediately following the board's final decision, shall be filed in the

office of the building commissioner and shall be open to public inspection, and notice of such decision shall be mailed forthwith to each party in interest as aforesaid.

Any person aggrieved by a decision of the board of appeal, whether previously a party to the proceeding or not, or any municipal officer or board may, within fifteen days after the entry of such decision, bring a petition in the supreme judicial court for the county of Suffolk for a writ of certiorari to correct errors of law therein, and the provisions of section four of chapter two hundred and forty-nine of the General Laws shall, except as herein provided, apply to said petition.

No costs shall be allowed against the board unless the court finds that it acted with gross negligence or in bad faith.

### BOARD OF ZONING ADJUSTMENT.

SECTION 20. There shall be a board of zoning adjustment to consist of twelve members as follows:— The chairman of the city planning board ex officio, and eleven members appointed by the mayor in the following manner: one member from two candidates nominated by the Associated Industries of Massachusetts, one member from two candidates nominated by the Boston Central Labor Union, one member from two candidates nominated by the Boston Chamber of Commerce, one member from two candidates to be nominated by the Boston Real Estate Exchange, one member from two candidates to be nominated by the Massachusetts Real Estate Exchange, one member from two candidates, one to be nominated by the Boston Society of Architects and one by the Boston Society of Landscape Architects, one member from two candidates to be nominated by the Boston Society of Civil Engineers, one member from two candidates to be nominated by the Master Builders' Association of Boston, one member from two candidates to be nominated by the Team Owners Association, one member from two candidates to be nominated by the United Improvement Association, and one member to be selected by the mayor. All appointive members shall be residents of or engaged in business in Boston. Two of the appointments first made shall be for the term of one year, two for the term of two years, two for the term of three years, two for the term of four years, and two for the term of five years, respectively, so that the terms of two members will expire each year. All subsequent appointments shall be for the term of five years. Vacancies



among the appointive members shall be filled in the same manner in which original appointments are made. The several heads of departments of the city of Boston shall on request of the board supply it with all information in their possession useful for its duties.

Either upon petition or otherwise, the board may, subject to the following conditions, change the boundaries of districts by changing the zoning map, on file at the state secretary's office, to meet altered needs of a locality, to avoid undue concentration of population, to provide adequate light and air, to lessen congestion in streets, to secure safety from fire, panic and other dangers, to facilitate the adequate provision of transportation, water, sewerage and other public requirements and to promote the health, safety, convenience and welfare of the inhabitants of the city of Boston. Such changes shall be made with reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land. No such change shall be made except by the decision of not less than four-fifths of the members of the board, excepting only any member or members not qualified to act, rendered after a public hearing thereon, of which notice shall be mailed to the petitioner, if any, to the building commissioner, the chairman of the assessing department, the chairman of the street laying-out department, the commissioner of public works, the fire commissioner and the health commissioner of the city of Boston, and to the owners of all property deemed by the board to be affected thereby as they appear in the most recent local tax list and also advertised in a daily newspaper published in the city of Boston. No member shall act in any case in which he is personally interested either directly or indirectly.

The board shall cause to be made a detailed record of all its proceedings, which record shall set forth the reasons for its decisions, the vote of each member participating therein, and the absence of a member or his failure to vote. Such record, immediately following the board's final decision, shall be filed in the office of the building commissioner of Boston and shall be open to public inspection, and notice of such decision shall be mailed forthwith to each party in interest as aforesaid. Upon any decision changing the zoning map, on file at the state secretary's office, an amended map showing such change endorsed by the chairman of said board shall be filed forthwith at said office.



If a change be favorably decided upon, any person aggrieved or any municipal officer or board may, within fifteen days after the entry of such decision, bring a petition in the supreme judicial court for the county of Suffolk for a writ of certiorari setting forth that such decision is in whole or part not in accordance with the duties and powers of such board as above prescribed and specifying the particulars of such non-compliance. The provisions of section four of chapter two hundred and forty-nine of the General Laws shall, except as herein provided, apply to said petition.

No costs shall be allowed against the board unless the court finds that it acted with gross negligence or in bad faith.

The board shall not reduce in any way the area of the one hundred and fifty-five foot district established by this act.

The board shall report its doings annually on or before the tenth day of February to the mayor of Boston and to the general court.

If any area is hereafter transferred to another district by a change in district boundaries either by action of the board of zoning adjustment or by an amendment to this act, the buildings and uses then existing within said area shall be subject to the provisions of this act with reference to existing buildings or uses in the district to which the area is removed.

### JURISDICTION; PENALTIES.

SECTION 21. The jurisdiction of courts in equity and at law and penalties for violation of any of the provisions of this act shall be as set forth in the aforesaid building law for violations thereof.

### INTERPRETATION AND APPLICATION.

SECTION 22. In interpreting and applying the provisions of this act they shall be held to be the minimum requirements for the promotion of health, safety, convenience and welfare of the inhabitants of the city of Boston. This act shall not interfere with, abrogate, annul or repeal any statute previously enacted, relating to the use of buildings or premises, provided, however, that where this act imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than imposed or required by such statute, the provisions of this act shall control.

The provisions of this act shall not apply to buildings or land belonging to and occupied by the United States or the commonwealth.

A building or premises used or to be used by a public service corporation may be exempted from the operation of this act if, upon a petition of the corporation, the department of public utilities shall, after a public hearing, decide that the present or proposed situation of the building or premises in question is reasonably necessary for the convenience or welfare of the public.

### EXISTING BUILDINGS AND PERMITS.

SECTION 23. Nothing in this act shall prevent the substantial restoration within twelve months and continuance of use of a building which has been damaged by fire, explosion, flood, riot, act of the public enemy or accident of any kind to such an extent that the estimated cost of such restoration does not exceed three quarters of the fair value of the building based on replacement cost immediately prior to such damage. In the case of a building not conforming in use or in bulk to the regulations for the district in which it is located and so damaged to a greater extent, the building commissioner may grant a permit for restoration and continuance of use where neither will be detrimental or injurious to the character of the neighborhood.

Nothing in this act shall require any change in the plans, construction or intended use of a building for which a building permit has heretofore been issued, and the construction of which shall have been diligently prosecuted within six months of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within such six months, and which entire building shall be completed according to such plans as filed within two years from the date this act takes effect. Nothing herein shall prevent the restoration of a wall or other structural part of a building declared unsafe by the building commissioner.

### VALIDITY.

SECTION 24. The invalidity of any section or provision of this act shall not invalidate any other section or provision hereof.

### WHEN EFFECTIVE.

SECTION 25. This act shall take effect upon its passage.

*Approved June 5, 1924.*

## USE SYMBOLS

<p><b>YELLOW</b></p> <p><b>BROWN</b></p> <p><b>ORANGE</b></p> <p><b>GRAY</b></p>	<p><b>V</b> VACANT</p> <p>• DETACHED DWELLING</p> <p>• SEMI-DETACHED DWELLING</p> <p>• ROW DWELLING</p> <p>• DETACHED 3-FAMILY DWELLING</p> <p>• SEMI-DETACHED 3-FAMILY DWELLING</p> <p>• ROW 3-FAMILY DWELLING</p> <p>42. TENEMENT OR APARTMENT HOUSE (MORE THAN 3 FAMILIES OR MORE THAN 2 ABOVE 1<sup>ST</sup> FLOOR. NO. INDICATES NUMBER OF APARTMENTS IF MORE THAN 1 PER STORY)</p> <p>• OCCUPATION IN RESIDENCE</p> <p>• OFFICE IN RESIDENCE</p> <p>L LODGING OR BOARDING HOUSE DORMITORY, ETC.</p> <p>H HOTEL</p> <p>C CLUB</p> <p>▣ STABLE</p> <p>▣ OTHER OUTBUILDING</p> <p>▴ GREENHOUSE</p>	<p><b>VIOLET</b></p> <p><b>OLIVE</b></p> <p><b>GREEN</b></p>	<p><b>NO COLOR</b></p> <p><b>GRAY</b></p> <p><b>BLUE</b></p> <p><b>LIGHT RED</b></p> <p><b>FULL RED</b></p>	<p>PRIVATE GARAGE OF 500 SQ. FT. OR LESS</p> <p>PRIVATE GARAGE OF MORE THAN 500 SQ. FT.</p> <p>COMMUNITY GARAGE (ROW OF PRIVATE GARAGES).</p> <p>PUBLIC GARAGE OR AUTOMOBILE REPAIR SHOP</p> <p>MOTOR FILLING STATION</p> <p>HOSPITAL</p> <p>OTHER INSTITUTION</p> <p>LAND ACCOMPANYING CHURCH, HOSPITAL, INSTITUTION, AMUSEMENT PARK, ETC.</p> <p>CHURCH</p> <p>CEMETERY</p> <p>CITY PROPERTY</p> <p>STATE (COUNTY OR U.S.) PROPERTY</p> <p>SCHOOL OR OTHER EDUCATIONAL USE</p> <p>RECREATION OR COMMUNITY BUILDING</p> <p>PARK OR PLAYGROUND</p> <p>OTHER PUBLIC BUILDING</p> <p>OTHER PUBLIC PROPERTY</p> <p>R.R. PROPERTY</p> <p>R.R. OR TRANSIT PASSENGER STATION</p> <p>FREIGHT STATION OR SHIPPING WHARF</p> <p>RETAIL BUSINESS</p> <p>OFFICE BUILDING</p> <p>STORAGE BUILDING</p> <p>WHOLESALE BUILDING</p> <p>THEATRE OR OTHER PLACE OF AMUSEMENT OR ASSEMBLY</p> <p>PUBLIC UTILITY BUILDING</p> <p>NON-NUISANCE INDUSTRY (I.E. SMALL AND UNNOTICEABLE)</p> <p>STANDARD INDUSTRY</p> <p>NUISANCE INDUSTRY (C.F. LIST EXCLUDED FROM INDUSTRIAL USE)</p> <p>ONE USE IN BASEMENT OR FIRST STORY ANOTHER ABOVE</p> <p>ENCLOSING ANOTHER USE: SPECIAL FIRE HAZARD</p> <p>JUNK YARD</p> <p>YARD FOR STORAGE OF LUMBER, COAL, STONE, ETC.</p>
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NOTE: SINGLE AND TWO-FAMILY HOUSES SHOWN SEPARATELY IN CERTAIN DISTRICTS ONLY.

## GENERAL MAP SYMBOLS

----	STREET RAILWAY	=====	ELEVATED OVER STREET RAILWAY
=====	ELEVATED RAILWAY	-----	SUBWAY UNDER STREET RAILWAY

FIRST FIGURE ON LOT: HEIGHT OF BUILDING IN STORIES. NO FIGURE: BUILDING 1 TO 1½ STORIES.

O AROUND FIGURE: OCCUPIED BASEMENT.

FIRST LETTER OR SYMBOL ON LOT: USE OF PROPERTY.

SECOND FIGURE ON LOT: AREA OF LOT BUILT UPON, IN TENS OF PERCENT. NO FIGURE FOR UNDER 25%, 2 = 25-29%, 3 = 30-39%, 4 = 40-49%, ETC.

ADDITIONAL LETTER OR SYMBOL ON LOT: ACCESSORY BUILDING

BUILDING OCCUPYING BUT A SMALL PORTION OF LOT, OR PART OF A BUILDING HIGHER THAN THE REST SHOWN BY DOTTED LINES AND DRAWN TO SCALE.

SET-BACK OF BUILDING FROM STREET LINE INDICATED BY DOTTED LINE DRAWN TO SCALE.

STREET (OR PROPERTY) AND LOT LINE SHOWN BY UNBROKEN LINE.

BOSTON  
CITY PLANNING  
BOARD

## KEY TO SYMBOLS ON ZONING DATA MAPS

ARTHUR C. COMEY  
ZONING DIRECTOR  
1924

FIG. 17.—MAP SYMBOLS AND EXPLANATORY COLOR CHART.



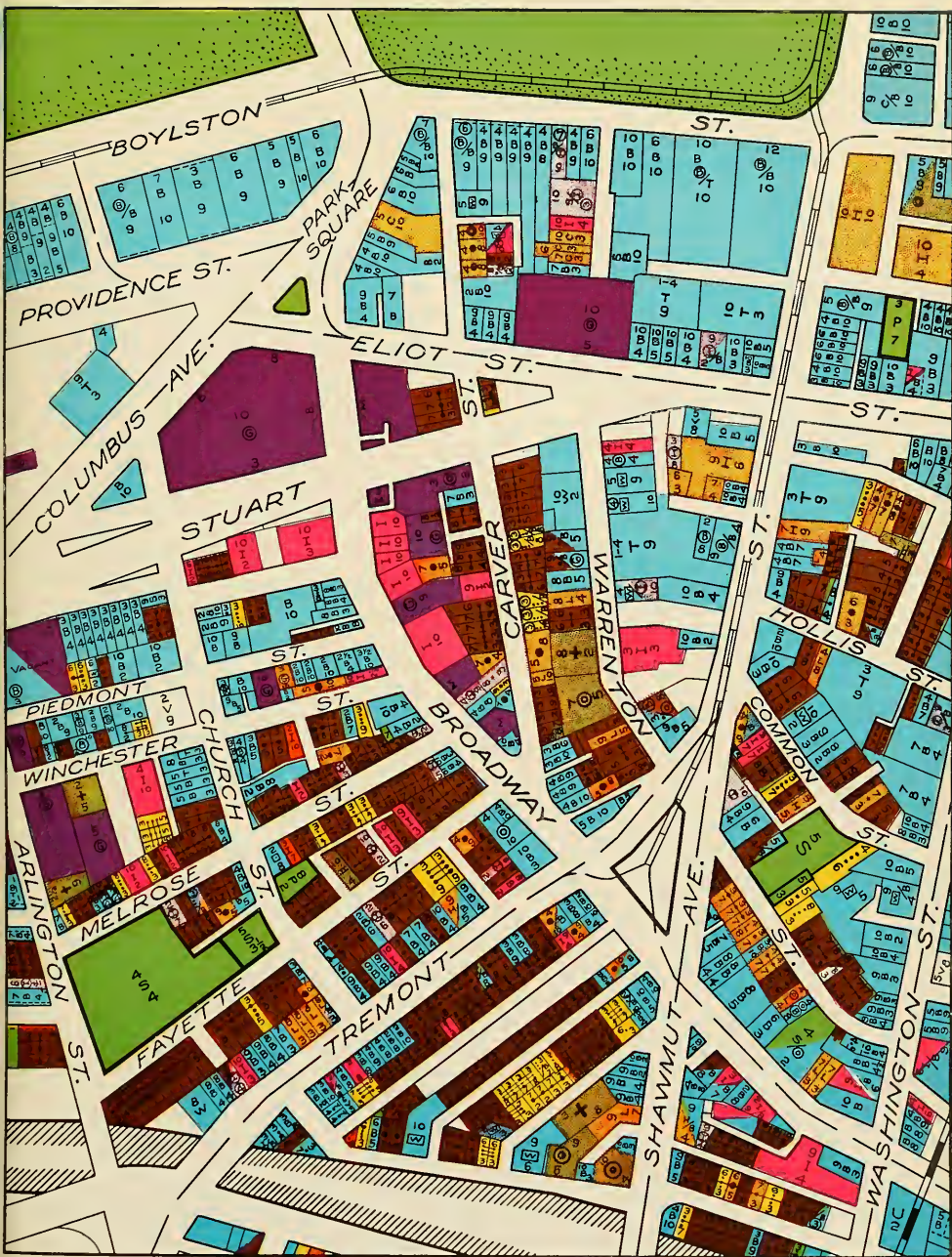


FIG. 18.—TYPICAL SECTION OF EXISTING USE ATLAS.





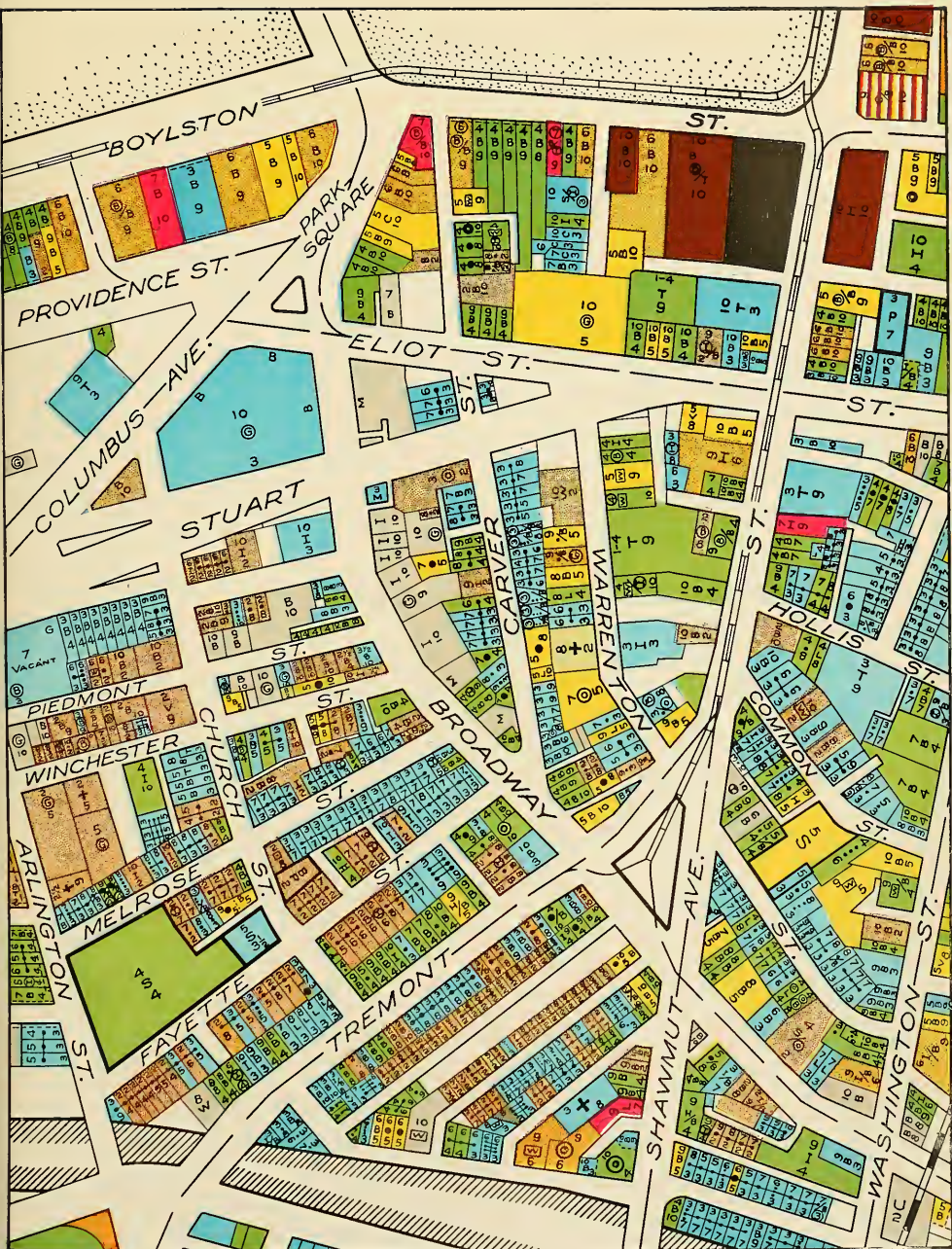


FIG. 19.—TYPICAL SECTION OF EXISTING HEIGHT ATLAS.

Showing Heights of Buildings by Stories.

KEY TO COLORS.

White—Vacant.  
Gray—1 story.  
Light tan—2 stories.

Blue—3 stories.  
Green—4 stories.  
Yellow—5 stories.

Orange—6 stories.  
Red—7 stories.  
Purple—8 stories.

Brown stripe—9 stories.  
Brown—10 stories.

Black stripe—11 stories.  
Black—12 stories and over.





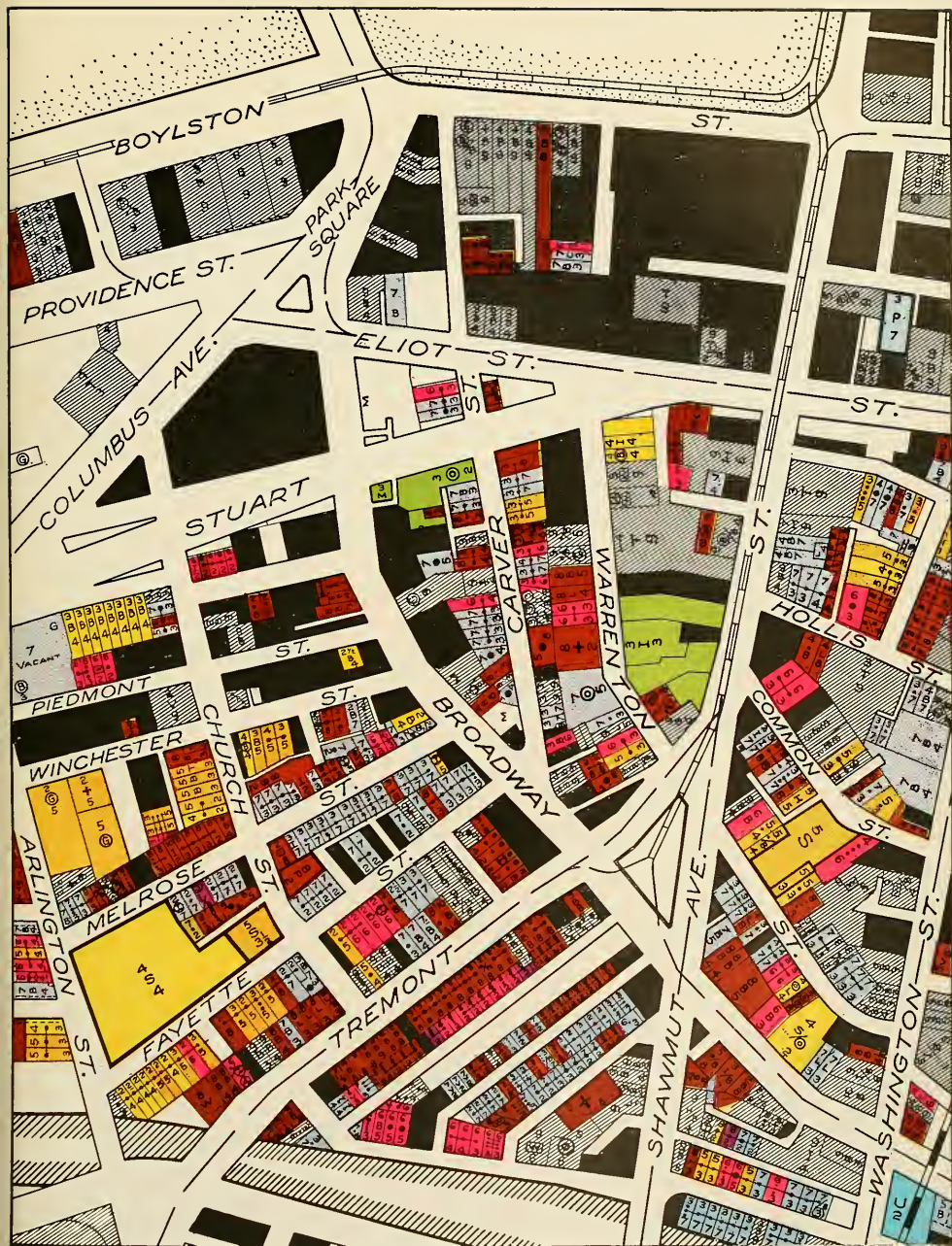


FIG. 20.—TYPICAL SECTION OF EXISTING AREA ATLAS.  
Showing Percentage of Area of Lots Occupied.

KEY TO COLORS.

White—Vacant and under  
25%.  
Blue—25-29%.

Green—30-39%.  
Yellow—40-49%.  
Orange—50-59%.

Red—60-69%.  
Lavender—70-79%.  
Brown—80-89%.

Black and white (striped)  
—90-99%.  
Black (solid)—100%.



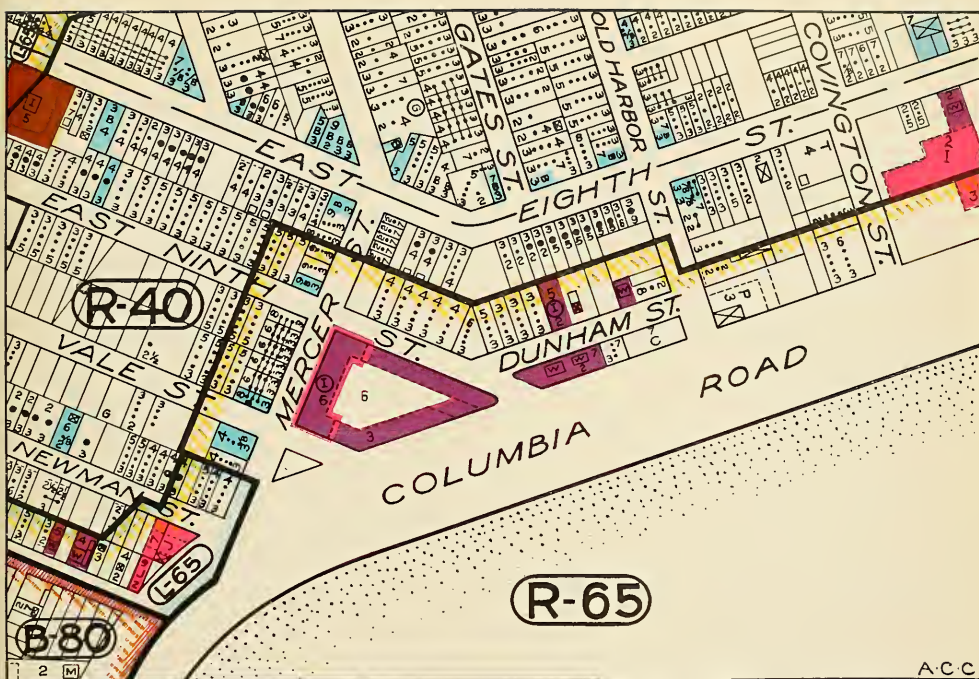


FIG. 21.—TYPICAL SECTION OF NON-CONFORMING USE AND HEIGHT ATLAS.

On these maps the proposed district boundaries were indicated by black lines with distinctive shadings on the less restricted sides of use and bulk boundaries respectively, as follows:

(Brown Shading—Unrestricted Districts.)

(Red Shading—Industrial Districts.)

Violet Shading—General Business Districts.

Blue Shading—Local Business Districts.

(Light Yellow Shading—General Residence Districts.)

(Green Check Mark—Single Residence Districts.)

(Black Shading—155-foot Districts.)

Orange Shading—80-foot Districts.

Deep Yellow Shading—65-foot Districts.

(Green Shading—40-foot Districts.)

(Black Check Mark—35-foot Districts.)

Every building or use which would not have been permitted under the Zoning Law because not conforming to either use or height regulations for the particular district in which it is located is indicated by a distinctive color, as follows:

Brown—Use not permitted in Industrial Districts.

Red—Use not permitted in General Business Districts.

Violet—Use not permitted in Local Business Districts.

Blue—Use not permitted in General Residence Districts.

(Light Yellow—Use not permitted in Single Residence Districts.) (Green Border—Exceeds Height permitted in 35-foot Districts.)

(Items not appearing on sample section in parentheses.)

Black Border—Exceeds Height permitted in 80-foot Districts.

Orange Border—Exceeds Height permitted in 65-foot Districts.

Deep Yellow Border—Exceeds Height permitted in 40-foot Districts.



## IX.

PRINTED AND MIMEOGRAPHED MATERIAL COMPILED  
FOR STUDY AND PUBLICITY PURPOSES.

---

Outline of Proposed Zoning Plan for City of Boston.

Ten Points on What Zoning Does.

Summary of the Proposed Zoning Statute.

Text of State Enabling Act.

Growth of the Zoning Movement.

Zoning Advisory Committee of the United States Department of  
Commerce.

Suggested List of Zoning Reading.

Reasons for Sending the Boston Zoning Law to the Legislature.

Relation of Zoning to Boston's Present Building Law.

Legality of Zoning in the United States, with List of Some of the  
More Important Court Decisions.

Use Zoning for Boston — Reprint with small map from *City Record*.

Bulk Zoning for Boston — Reprint with small map from *City Record*.

Value of Zoning to Business.— Comey.

Zoning and Other Things.— Herlihy.

Cartoon, "An Unwelcome Neighbor Moves In," with photographs  
showing need for zoning.



## X.

MAPS AND DATA COMPILED IN CONNECTION WITH  
PREPARATION OF ZONING PLAN.

	Scale.	Num- ber of Sheets.
I. BASE MAPS.		
A. <i>New England</i> .		
Southeastern section . . . . .	1:1,000,000	1
B. <i>Massachusetts</i> .		
General Map . . . . .	1:500,000	1
Topographic, 200' contours . . . . .	1:250,000	1
Highways . . . . .	1:250,000	1
C. <i>Boston</i> .		
Metropolitan District and Vicinity . . . . .	1 mile = 1"	1
Harbor and Vicinity . . . . .	1:40,000	1
City and Harbor . . . . .	1:20,000	1
Inner Harbor . . . . .	1:10,000	1
Topographic:		
City and vicinity . . . . .	1:30,000	1
By districts, 5' contours . . . . .	500' = 1"	9
Tinted photostat map . . . . .	1,500' = 1"	1
Streets and Parks . . . . .	1,500' = 1"	1
Wall map . . . . .	800' = 1"	1
Wall map . . . . .	500' = 1"	1
By districts . . . . .	500' = 1"	9
City and vicinity . . . . .	1,900' = 1"	1
City and vicinity . . . . .	1,200' = 1"	1
Ward and Precinct Atlas . . . . .	Various	26
Streets and Lots . . . . .	200' = 1"	66
New Street map . . . . .	400' = 1"	4
Bromley atlas of each district . . . . .	Various	
Photostat positives of same . . . . .	200' = 1"	268
Sanborn atlas of each district . . . . .	50' = 1"	
II. PHOTOGRAPHS.		
Collection of oblique aerial views . . . . .	—	50
Local views illustrative of need for zoning . . . . .	—	28
III. LOT DATA.		
Fundamental data maps . . . . .	200' = 1"	66
Existing Use of Property atlas . . . . .	200' = 1"	66
Heights of Buildings by stories and proportions of lots covered atlas . . . . .	200' = 1"	66
Building permits, 1922 . . . . .	500' = 1"	9
Heights of Buildings in high value districts (in feet) . . . . .	200' = 1"	1
Land Values, 1922, in high value districts . . . . .	200' = 1"	1

	Scale.	Num- ber of Sheets.
IV. LOCAL DATA.		
Land values, 1922 . . . . .	1,500' = 1"	1
Density of Population . . . . .	1,500' = 1"	1
Trend of Population, 1905-1915:		
On district maps . . . . .	500' = 1"	9
On outline map . . . . .	1,500' = 1"	1
Distribution of population, 1915:		
By blocks . . . . .	500' = 1"	9
On outline map . . . . .	1,500' = 1"	1
Fire Hazards (Charlestown only)	500' = 1"	1
Property used for industry, classified as to nuisance:		
City . . . . .	1,500' = 1"	1
Boston Proper . . . . .	200' = 1"	1
Property used for industry, classified by products:		
City (typewritten) . . . . .	—	26
Property used for industry, and proposed zones showing areas for expansion . . . . .	1,500' = 1"	1
Property used for residence, classified by number of families per house:		
Hyde Park District . . . . .	500' = 1"	1
Savin Hill, Dorchester District . . . . .	200' = 1"	1
Vacant Property . . . . .	1,500' = 1"	1
Use of property, 1897 . . . . .	1,760' = 1"	1
Use of property, 1922 . . . . .	1,760' = 1"	1
Change in use of property, 1897-1922 . . . . .	1,500' = 1"	1
Boston Elevated map of railway system, Boston and vicinity . . . . .	—	1
Existing thoroughfare system . . . . .	1,000' = 1"	1
Street grades 3 per cent and over . . . . .	1,500' = 1"	1
Street widths:		
City . . . . .	1,500' = 1"	1
Boston Proper . . . . .	200' = 1"	1
Building height zones (1904-1922):		
A and B districts . . . . .	1,500' = 1"	1
Fire limits, 1922 . . . . .	1,500' = 1"	1
Contour map showing slopes by gradient percent- ages . . . . .	1,500' = 1"	1
Railroad, passenger and freight stations and grade crossings . . . . .	1,500' = 1"	1
Bed-rock contours (Boston Proper, Roxbury and South Boston) . . . . .	500' = 1"	1
V. GENERAL DATA.		
Principal industries of Metropolitan District . . . . .	1 mile = 1"	1
Boston Elevated map of time zones, street railways, Distribution of population in Metropolitan District, 1915 . . . . .	—	1
Distribution of population within 52 mile radius, 1920 . . . . .	1:5,000	1
	1:500,000	1

	Scale.	Num- ber of Sheets.
V. GENERAL DATA.		
Relation of Boston to population within 52-mile radius, 1920 . . . . .	1:500,000	1
Metropolitan thoroughfare system:		
Principal radial and distributing highways . . .	1 mile = 1"	1
Radial highways and future urban areas within 20 mile radius . . . . .	1:250,000	1
Principal through routes in Eastern Massachusetts,	1:500,000	1
VI. REPORTS, TABLES AND DIAGRAMS.		
Building code provisions, diagrams . . . . .	—	4
Prevalent apartment house plans . . . . .	—	12
Typical diagrams of permissible building under 1923 height limitations . . . . .	—	9
Typical diagrams of permissible building under proposed zoning regulations . . . . .	—	3
Study of angle of light, etc., in connection with building heights . . . . .	—	9
Percentages of City in various uses, existing and under proposed zoning regulations . . . . .	—	10
Percentages of City in various height districts under proposed zoning regulations . . . . .	—	2
Number of families in various types of dwellings, 1921-1923 (typewritten) . . . . .	—	3
Special downtown studies; area near 54-foot streets and over . . . . .	200' = 1"	1
Height of Building statistics . . . . .	500' = 1"	1
Population curves showing growth of Boston and Metropolitan communities . . . . .	—	1
VII. ZONING PLAN.		
Tentative zoning plan (colored) . . . . .	1,500' = 1"	1
Tentative use zone studies . . . . .	1,500' = 1"	1
Tentative bulk zone studies . . . . .	1,500' = 1"	1
Study of non-conforming uses and zoning plan (Atlas) . . . . .	200' = 1"	66
Final Zoning Plan:		
On new street base map (tracings) . . . . .	400' = 1"	4
Display map on roller (colored) . . . . .	400' = 1"	1
Display map on roller . . . . .	800' = 1"	1
Display rack (sectional) . . . . .	400' = 1"	11
Atlas of district maps . . . . .	800' = 1"	11
Total Number of Sheets . . . . .	—	918





CITY OF BOSTON  
ZONING MAP  
SHEET 1, EAST BOSTON

MARCH 15, 1924

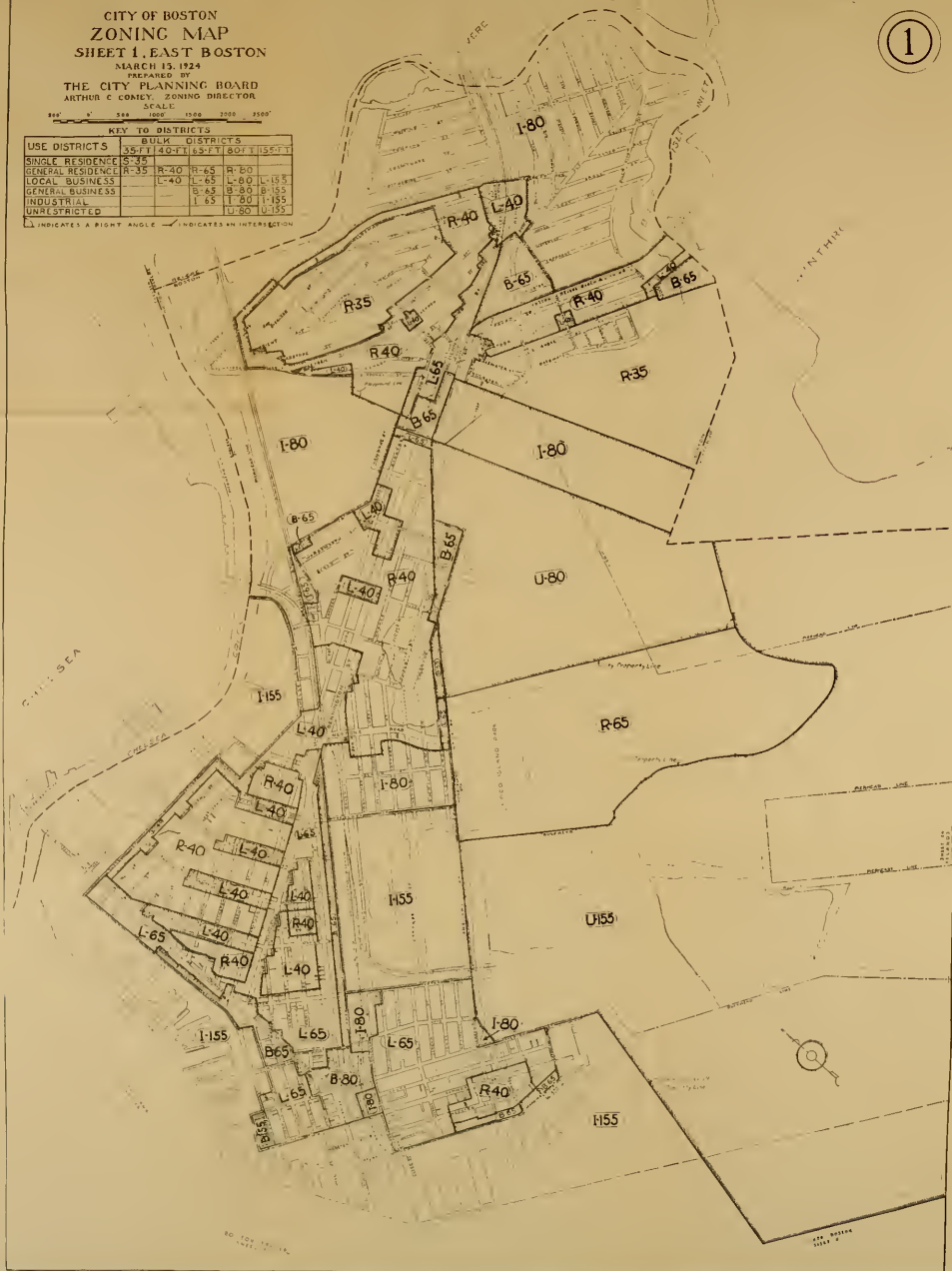
THE CITY PLANNING BOARD  
ARTHUR C. CONEY, ZONING DIRECTOR

SCALE: 1" = 100' 1500' 2000' 2500'

1

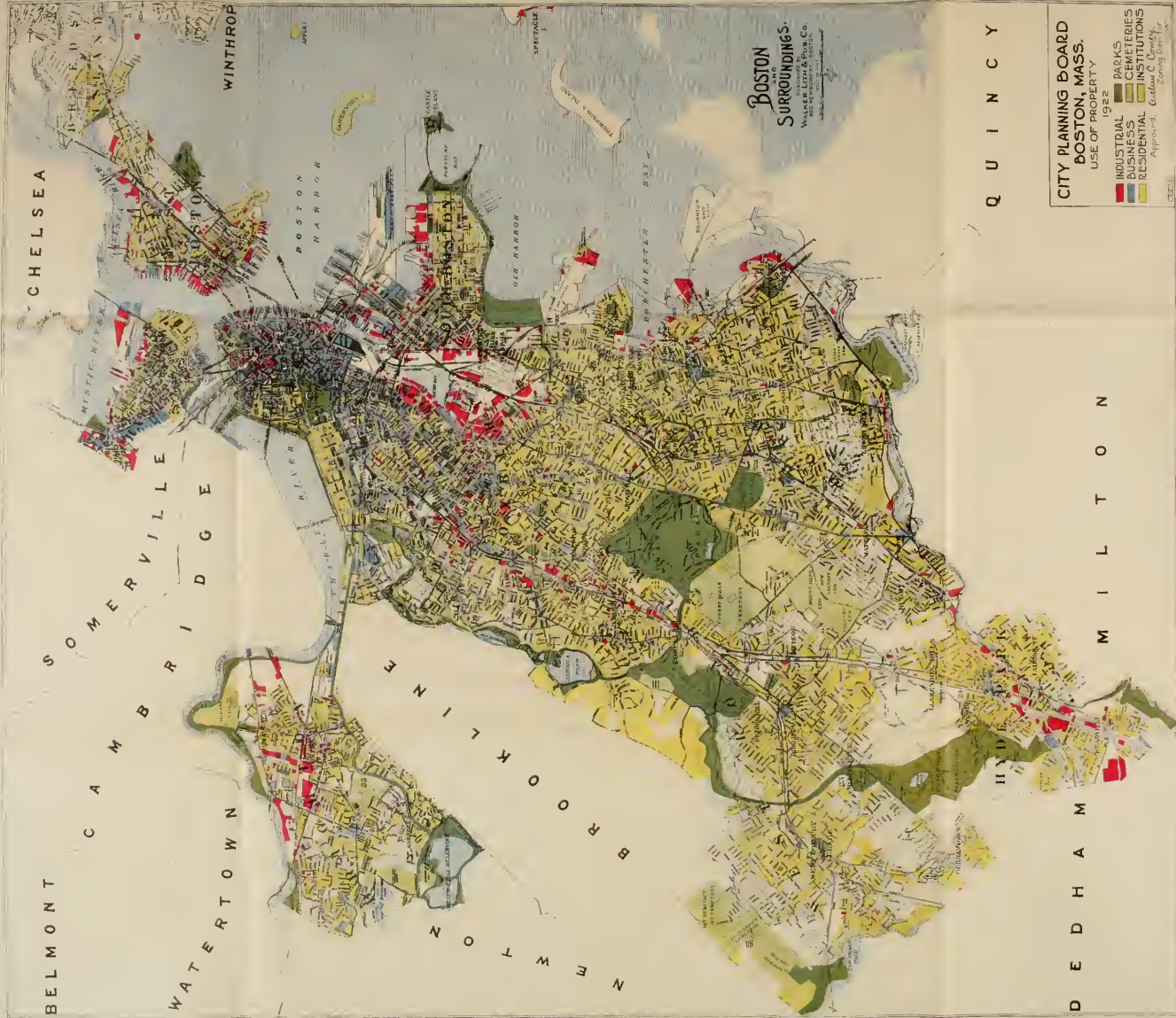
KEY TO DISTRICTS	
USE DISTRICTS	BULK DISTRICTS
SINGLE RESIDENCE	R-35
GENERAL RESIDENCE	R-40 R-65 R-80 R-100 R-125 R-150
LOCAL BUSINESS	L-40 L-65 L-80 L-100 L-125
GENERAL BUSINESS	B-65 B-80 B-100 B-125
INDUSTRIAL	I-80 I-100 I-125
UNRESTRICTED	U-80 U-100 U-125

L INDICATES A RIGHT ANGLE / INDICATES AN INTERSECTION













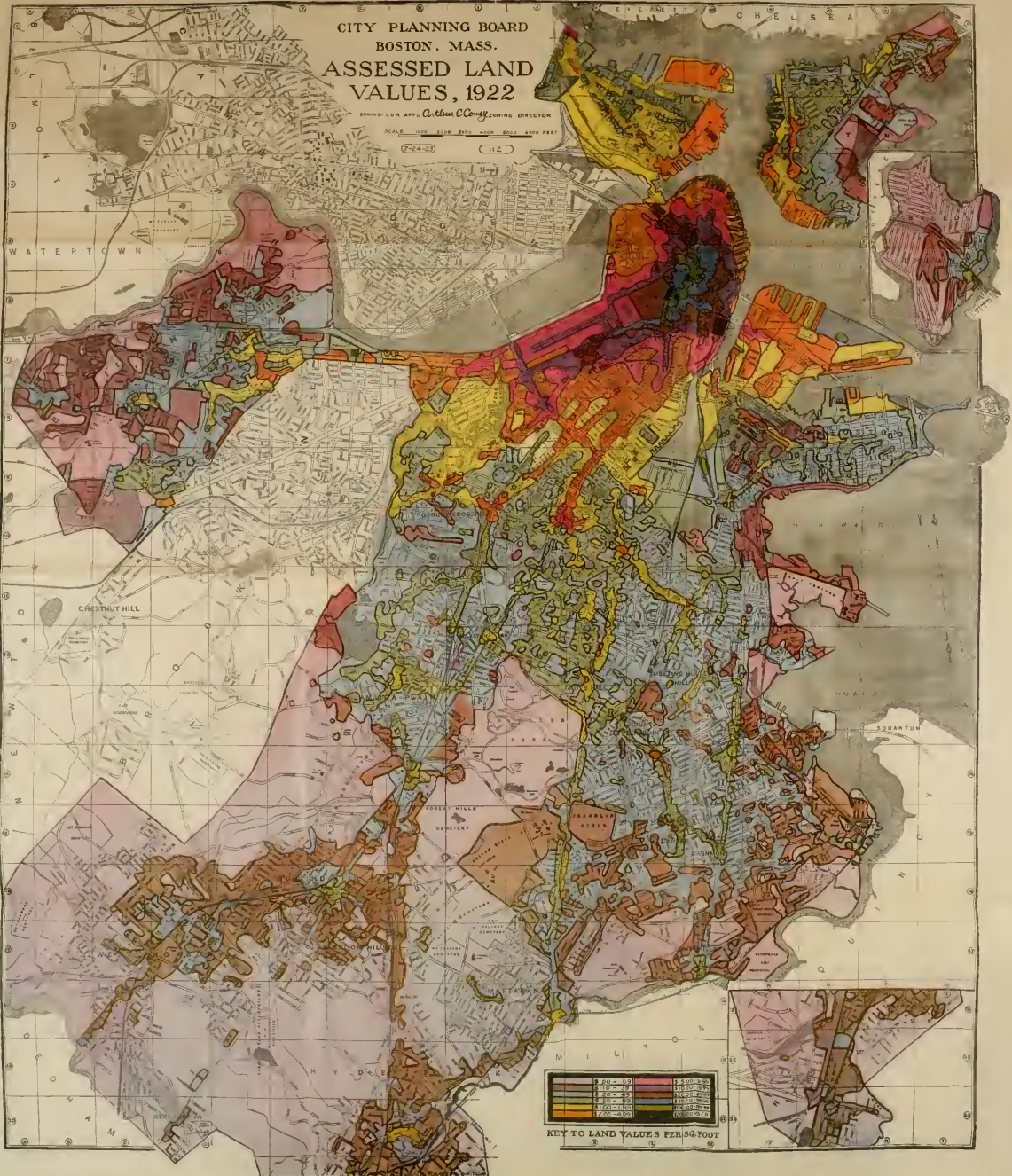
CITY PLANNING BOARD  
BOSTON, MASS.  
**ASSESSED LAND  
VALUES, 1922**

DESIGNED BY COM. APPR. *Arthur C. Cony* ZONING DIRECTOR

SCALE 1" = 100' 1" = 200' 1" = 300' 1" = 400' 1" = 500'

7-24-22

112



100 - 150	150 - 200	200 - 250	250 - 300	300 - 350	350 - 400	400 - 450	450 - 500	500 - 550	550 - 600	600 - 650	650 - 700	700 - 750	750 - 800	800 - 850	850 - 900	900 - 950	950 - 1000	1000 - 1050	1050 - 1100	1100 - 1150	1150 - 1200	1200 - 1250	1250 - 1300	1300 - 1350	1350 - 1400	1400 - 1450	1450 - 1500	1500 - 1550	1550 - 1600	1600 - 1650	1650 - 1700	1700 - 1750	1750 - 1800	1800 - 1850	1850 - 1900	1900 - 1950	1950 - 2000	2000 - 2050	2050 - 2100	2100 - 2150	2150 - 2200	2200 - 2250	2250 - 2300	2300 - 2350	2350 - 2400	2400 - 2450	2450 - 2500	2500 - 2550	2550 - 2600	2600 - 2650	2650 - 2700	2700 - 2750	2750 - 2800	2800 - 2850	2850 - 2900	2900 - 2950	2950 - 3000	3000 - 3050	3050 - 3100	3100 - 3150	3150 - 3200	3200 - 3250	3250 - 3300	3300 - 3350	3350 - 3400	3400 - 3450	3450 - 3500	3500 - 3550	3550 - 3600	3600 - 3650	3650 - 3700	3700 - 3750	3750 - 3800	3800 - 3850	3850 - 3900	3900 - 3950	3950 - 4000	4000 - 4050	4050 - 4100	4100 - 4150	4150 - 4200	4200 - 4250	4250 - 4300	4300 - 4350	4350 - 4400	4400 - 4450	4450 - 4500	4500 - 4550	4550 - 4600	4600 - 4650	4650 - 4700	4700 - 4750	4750 - 4800	4800 - 4850	4850 - 4900	4900 - 4950	4950 - 5000	5000 - 5050	5050 - 5100	5100 - 5150	5150 - 5200	5200 - 5250	5250 - 5300	5300 - 5350	5350 - 5400	5400 - 5450	5450 - 5500	5500 - 5550	5550 - 5600	5600 - 5650	5650 - 5700	5700 - 5750	5750 - 5800	5800 - 5850	5850 - 5900	5900 - 5950	5950 - 6000	6000 - 6050	6050 - 6100	6100 - 6150	6150 - 6200	6200 - 6250	6250 - 6300	6300 - 6350	6350 - 6400	6400 - 6450	6450 - 6500	6500 - 6550	6550 - 6600	6600 - 6650	6650 - 6700	6700 - 6750	6750 - 6800	6800 - 6850	6850 - 6900	6900 - 6950	6950 - 7000	7000 - 7050	7050 - 7100	7100 - 7150	7150 - 7200	7200 - 7250	7250 - 7300	7300 - 7350	7350 - 7400	7400 - 7450	7450 - 7500	7500 - 7550	7550 - 7600	7600 - 7650	7650 - 7700	7700 - 7750	7750 - 7800	7800 - 7850	7850 - 7900	7900 - 7950	7950 - 8000	8000 - 8050	8050 - 8100	8100 - 8150	8150 - 8200	8200 - 8250	8250 - 8300	8300 - 8350	8350 - 8400	8400 - 8450	8450 - 8500	8500 - 8550	8550 - 8600	8600 - 8650	8650 - 8700	8700 - 8750	8750 - 8800	8800 - 8850	8850 - 8900	8900 - 8950	8950 - 9000	9000 - 9050	9050 - 9100	9100 - 9150	9150 - 9200	9200 - 9250	9250 - 9300	9300 - 9350	9350 - 9400	9400 - 9450	9450 - 9500	9500 - 9550	9550 - 9600	9600 - 9650	9650 - 9700	9700 - 9750	9750 - 9800	9800 - 9850	9850 - 9900	9900 - 9950	9950 - 10000
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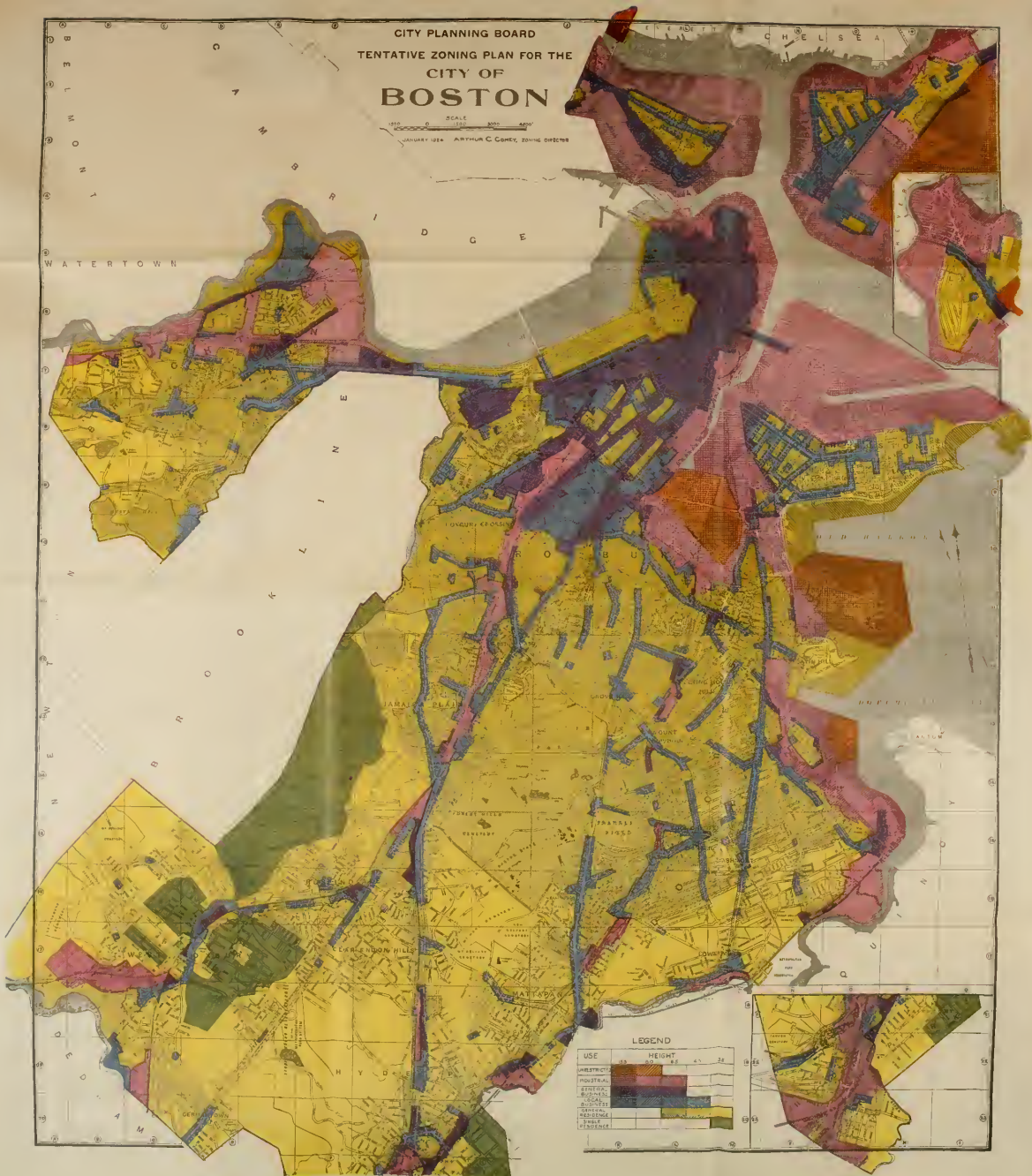
KEY TO LAND VALUES PER 50 FOOT





CITY PLANNING BOARD  
TENTATIVE ZONING PLAN FOR THE  
CITY OF  
**BOSTON**

SCALE  
1" = 1/4 MILE  
JANUARY 1924 ARTHUR C. CORRELL, ENGINEER



**LEGEND**

USE	HEIGHT
INDUSTRIAL	10 15 20 25 30
COMMERCIAL	10 15 20 25 30
RESIDENTIAL	10 15 20 25 30
OFFICE	10 15 20 25 30
RECREATION	10 15 20 25 30
UNIVERSITY	10 15 20 25 30
RELIGIOUS	10 15 20 25 30
GOVERNMENT	10 15 20 25 30
OTHER	10 15 20 25 30











